By the same Author

INDIA: TO-DAY AND TO-MORROW

THE INDIAN PRESS

A HISTORY OF THE GROWTH OF PUBLIC OPINION IN INDIA

BY

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TO

F. B.

"Give me the liberty to know, to utter, and to argue, freely according to conscience, above all liberties."

JOHN MILTON, *Areopagitica.*

"In the day of confusion of reason when all is delusion:
In the day of the tyrants of tongues when the truth is for hire:"

ARCHIBALD MACLEISH, *The Fall of the City.*

PREFACE

THIS book is based, so far as the early days of the Indian Press are concerned, on a study of original documents which I was able to examine by the courtesy of the Government of India and the India Office. As for the present, I have had the privilege of working with Indian journalists for a number of years and thereby appreciating the conditions which govern their profession.

My thanks are rendered to Dr. S. K. Datta, for kindly allowing me the use of his valuable library, to Dr. J. K. Majumdar, who was good enough to assist me when I was working against time at the Imperial Records Department in New Delhi, and to the Editors of the various newspapers and journals who answered my queries.

When war was declared on September 3, 1939, it seemed that publication of this work would have to be deferred until more peaceful times. But certain measures which have been adopted to meet war-time conditions now convince me that never was there a more opportune moment to recall phases of the struggle for the liberty of expression. I refer to Defence Regulation 39 B which lays it down that no person shall "endeavour, whether orally or otherwise, to influence public opinion in a manner likely to be prejudicial to the defence of the realm or the efficient prosecution of war." As has been pointed out by Mr. Stanley Unwin (*The Times*, October 31, 1939) this regulation "could be used to stifle almost any criticism of any governmental action in war-time or even the discussion of war aims."

Let us, therefore, remember the words of Milton, Lord Hastings, Macaulay and Metcalfe and those other fighters for the freedom of expression.

LONDON.   MARGARITA BARNS.

January, 1940.

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INTRODUCTION

A HISTORY of the Indian Press must, to a certain extent, be a history of the British occupation of India, or a cross-section of that history. The foundation of the press, its development, its vicissitudes, and, finally, its establishment as the framer and interpreter of potentially one of the largest bodies of public opinion in the world, all reflect certain aspects of British rule in India and the problems with which it has been confronted.

The development of newspapers in the West took place at approximately the same time as the opening up of relations between India and Europe. The west coast of India had, of course, enjoyed trade relations with the Assyrian, Persian and Roman Empires but it was not until Vasco da Gama sailed round the Cape of Good Hope to Calicut in 1498 that direct trade connections with Europe were established. These trade connections led to cultural relations and we shall see how the art of printing, for example, was introduced into India by the Portuguese Jesuits a little more than a hundred years after its invention in Europe.

At the end of the sixteenth century Britain and India entered into trade relations. For nearly two centuries public opinion in Britain was almost entirely concerned with the methods and profits of trading. When, however, the East India Company assumed governing powers, there developed a body of public opinion in India. The Indian Press was created by those who, for various reasons, were dissatisfied with the Company's administration and monopoly.

We shall see how the "interlopers," who pressed for free trade, were in course of time joined by Indian reformers who sought to influence the administration in the field of social reform. Hitherto, the Company had acknowledged no other responsibility than that implied by their trading and revenue commitments. But now the scrutiny of public opinion was beginning to be applied to their activities.

A study of the Indian Press is necessarily also a study of the gradual and continued enlargement of this public opinion. Consequently, any such survey must include a consideration, however brief, of constitutional developments in India and the

covering of some familiar ground, such as the story of the early days of the East India Company. The more influential this opinion has become, the more imperative is the necessity to dwell on political factors. For this reason, as the narrative develops, greater emphasis is laid on constitutional controversies, especially since the Indian Press has an overwhelmingly political bias.

Two definitions are necessary before we begin our study. What is political India? And what is journalism?

Political India may be divided into Congress India (that is the India of the majority of Hindus of nationalist convictions with a small minority of Muslims), India of the Muslim League (that is the India of some eighty million Muslims), India of the Princes (that is "Indian" India, as apart from British India and its traditions of evolutionary constitutionalism), India of the Liberals (that is the India of those of various communities who believe in the efficacy of progressive constitutionalism in preference to direct action) and European India (the India of those scattered Europeans in the services, professions and commerce whose domicile is England but whose place of temporary residence is India).

It is a fact, based on historical reasons which will be examined later, that the bulk of the Indian Press is controlled by the first and last of the various "Indias" which have been described. And there need be no reason for surprise in this. Once European India had given the lead in the matter of the press, Hindu India, as we shall see, soon followed. That was true of Bengal. So far as Bombay was concerned, the Parsees were the first to take to journalism, but as they do not exist as a separate political entity (but form part of the General Electorate) the argument remains valid.

The Muslim League neither owns nor controls an English-printed press of any dimensions. This being so, it is all the more remarkable that the utterances of its leaders find the publicity they do. Then again, the Indian States, which are now becoming an integral part in the life of the country, possess no separate press which exerts any influence outside State territory.

The evolution of political ideas is closely bound up with the ownership and direction of the press; for a virile party, of whatever persuasion, postulates an organ of expression. What, it may be asked, is the definition of the press? The printing and the selling of news, in the words of Wickham Steed, is a social service. He says that experience teaches journalists "that their craft may be an industry, a business, as well as a liberal profession, an art or a

ministry; that it may be all these things by turns and, at moments, all of them together." Journalism, he declares with truth, holds a special position because its raw material is really thé public mind and it trades chiefly in "moral values."

In India, from Raja Ram Mohun Roy to Keshub Chunder Sen, Gokhale, Tilak, Pherozeshah Mehta, Dadabhai Naoroji Surendranath Banerjea, C. Y. Chintamini, M. K. Gandhi and Jawaharlal Nehru, there is a distinguished line of public men who have used, and are using, the press as a medium for the dissemination of their ideas of "moral values."

It is a noticeable and, in the historical circumstances, an inevitable fact that most of the reputations of those who have been named as distinguished Indian writers have been gained through the knowledge and use of the English language. It is equally noteworthy that there is at present more in common between the ideas of India and Britain, as expressed in their newspapers, than between the ideas of either India or Britain on the one hand and the authoritarian States on the other.

The fundamental ideal of the liberty of expression is common to both the Press of India and Britain. But it is an ideal which is passing in some countries and one which has entirely disappeared in others. India, too, is part of this shifting world scene and who can say to what form of government she will ultimately adhere or to what ideal of human existence she will eventually subscribe? Upon the press will devolve a large measure of responsibility in the resolution of these questions.

To take pride in the ideal of the liberty of expression, however, is not to deny the sincerity of those who have held, and hold, contrary views, and in the following pages every endeavour has been made to do justice to those who have approached the problem from the autocratic as opposed to the democratic viewpoint.

CHAPTER ONE

CHRONOLOGICAL TABLE

1454 Types used for print by Johann Gutenberg of Mainz; Henry VI King of England; Buhlul Lodi King of Delhi.

1476 William Caxton sets up first printing press in England at Westminster; Edward IV King of England; Buhlul Lodi King of Delhi.

1498 Vasco da Gama lands eight miles north of Calicut after nearly a century of effort on the part of European seamen to find a sea-route to the Indies; Henry VII King of England; Sikandar Shah King of Delhi.

1557 First book printed in India by the Jesuits at Goa; Mary I Queen of England; Akbar (age 14) Emperor of India.

1579 The first Englishman, Father Thomas Stevens, lands in India at Goa; Elizabeth Queen of England; Akbar Emperor of India.

1600 Charter granted to "The Governor and Company of Merchants of London Trading into the East Indies."

1609 First regular news-sheet printed in Germany.

1611 First regular news-sheet published in England; James I King of England; Jehangir Emperor of India.

1632 Star Chamber edict against the printing of foreign news.

CHAPTER ONE

PIONEERS

MAN has ever sought knowledge and until the invention of printing, the dissemination of information took place by word of mouth, the exchange of private documents or the posting of notices in public places, such as the *Acta Diurna* issued during the Roman Empire. Sometimes these announcements embodied instructions to the populace and at other times gave information which had been collected by a number of "News-writers" established at various courts or centres of interest.

The work of these news-writers was, in the main, in the interest of those in authority, but, with the gradual spread of learning and commerce, the need of information was felt by a much larger circle. Thus, about the beginning of the seventeenth century, the news-writer, who had not hitherto practised an independent profession but was generally a retainer at the court of some nobleman, laid the foundations of the profession of journalism. In the reign of Queen Elizabeth he was an important figure.

Oriental monarchs had also recognised, from the earliest times, the necessity of news services. It was the custom of the Emperor or King to appoint a news-writer—or *Waki'ahnawis*, to use the Persian word—in each district and for these writers to send reports of the important events which took place. On the basis of these records imperial decisions were taken and policies formulated.[1]

These reports were not always accurate and sometimes they were deliberately falsified at the instance, and at the expense, of those who had a grudge against the Emperor. Writing during the years 1656–1668, Francois Bernier, a French doctor who was employed by an emir who served at the Courts of Shah Jehan and Aurangzeb, said of the Governors of the provinces:

> "Thus do ruin and desolation overspread the land. The provincial governors, as before observed, are so many petty tyrants, possessing a boundless authority; and as there is no one to whom the oppressed subject may appeal, he cannot hope for redress, let his injuries be ever so grievous and ever so frequently

[1] See *Ain-i-Akbari* (Blochman's Translation) p. 258.

Over a hundred and fifty years later we find another reference to the corruptibility of news-writers. Referring to the Kingdom of Oude and the defeat of a certain Ghulam Husain, Major-General Sir William Sleeman says: "Ghulam Husain was so ashamed of the drubbing he got that he bribed all the news-writers within twenty miles of the place to say nothing about it in their reports to court, and he never made any report of it himself."[1]

In another book Sir William Sleeman gives the information that the King of Oude employed six hundred and sixty news-writers and that they were paid, on an average, between four and five rupees each per month. "Such are the reporters of the circumstances in all the cases on which the sovereign and his ministers have to pass orders every day in Oude," he comments.[2]

Reference to the Bengal Public Consultations shows that in the first half of the eighteenth century, the factors of the East India Company frequently availed themselves of the services of the news-writers to acquaint the Indian Courts of items of intelligence. Thus, on March 27, 1704, we find that one Ramachandra, a vakil, is to be sent to Hugli and is to write down in his own language the following directions:"He is to declare to the Governor, the *Buxie* and *Wacca Nevis* that we have appointed him vacqueel in Hugli for the affairs of the English."

Complaints on the part of the Company's representatives were also sought to be published in the news-letters and, thereby, redressed. It will be seen, therefore, that Indian rulers were fully alive to the necessity of extensive channels of information and that the news-letters were of importance, as witness the publicity desired in them by the factors of the East India Company. Another interesting fact is that considerable freedom of discussion was allowed in the Moghul *akhbars*; an example which was certainly not always followed by their English successors.

We have, however, anticipated our survey by some four hundred years and must retrace our steps to the early days of printing. The first printers are generally acknowledged to be the Chinese and a book bearing the statement "Printed on May 11, 868, by Wang Chich, for free general distribution, in order in deep reverence to perpetuate the memory of his parents" is considered to be the oldest printed book in existence. It was discovered in 1900 in the Chinese province of Kansu.

[1] *Rambles and Recollections*, p. 249 (1844).
[2] *Journey Through the Kingdom of Oude*, Vol. I, pp. 67–69.

Movable type was first used in China by Pi Sheng between 1041 and 1049. The precise date of the European invention of printing from movable type is not known but it was independent of the Chinese discovery and is generally given as about 1440. It is doubtful whether the method of "block book" printing (that is to say the process whereby all the words on a page of a book are cut by hand on to a solid block of wood) preceded or was invented simultaneously with movable type printing. According to one authority, no extant block book bears a date earlier than 1470. Pictorial prints were, of course, produced by this method both in the East and the West from as early as the eighth century.

Germany, France, Holland and Italy have all claimed, at some time or other, to have been the birthplace of printing from movable types. Johann Gutenberg of Mainz (whose name has been perpetuated by his famous edition of the Bible) is, however, generally conceded to be the inventor of printing. Types cast in a mould at his foundry were used for certain letters of indulgence issued in 1454 and 1455 and a year later the famous Vulgate Bible was published. The following year (1457) the Mainz psalter was produced bearing, for the first time, the name of the printer and the place and date of printing.

In 1464 two Germans, Sweynheym and Pannartz, migrated to Italy and set up a printing press at Subiaco, near Rome. Five years later, two others began work in Venice. Nicolas Jenson, a Frenchman, and Aldus Manutius, an Italian, contributed to the art of printing and the spread of learning by mechanical improvements. The latter gained fame by his edition of the classics in small inexpensive volumes. By 1470 printing had been introduced into France, at Paris, by three Germans, while about the same time work was also being undertaken in Switzerland, Holland and Belgium.

William Caxton, England's first printer, had learned the art in Cologne after having lived in the Low Countries for some thirty years. With a colleague, Colard Mansion, he started a printing business at Bruges but in 1476 he returned to England and set up a press at "The Red Pale" in the Almonry at Westminster. Hitherto, nearly all printing had been in Latin but Caxton, as is well known, printed in English and during a period of some fifteen years produced about a hundred volumes.

With the development of printing, learning no longer remained the monopoly of those to whom manuscript texts were available. The Church was, of course, the chief patron of the printing press

and some of the finest types were cut for use in mass-books, psalters, breviaries, bibles and rituals. At the same time, some Church authorities did not take an altogether calm view of the new invention and it was feared that the spread of the liberty of thought might have an adverse effect on the discipline of its members. This fear was, to some extent, responsible for the deterioration in the art of printing which became noticeable in sixteenth century work. But that the invention was a great stimulant both to intellectual and artistic endeavour, there is no doubt. The rival merits of "gothic" as opposed to the "humanistic" forms of "roman" and "italic" types (fruits of the Renaissance) were subjects of keen discussion and we get the characteristic differences of the German and Italian schools of printing—though some Germans who had migrated to Italy were members of the latter. Many well-known names are connected with the history of printing, in addition to those already mentioned. Desiderius Erasmus, the great Dutch scholar, was associated with John Froben, the most famous of all Swiss printers. Other important printers' names are perpetuated through the types they originated or popularised as, for example, Garamond, Caslon, van Dyck, Bodoni, Baskerville and Didot.[1]

In 1495, Aldus Manutius Romanus, to whom we have already referred, opened his famous press in Venice. It was three years after this that Vasco da Gama 'discovered' India. The original Portuguese settlers were followed by a number of Jesuits who arrived in Goa about the middle of the second quarter of the sixteenth century. In their task of conversion they needed quick means of printing and two presses were ordered from Europe. These presses arrived in 1550 but nothing seems to have been published till 1557 when a Catechism—the first book to be printed in India—was printed and circulated. St. Francis Xavier is reputed to be the author of this Catechism from which pupils at the Jesuit colleges of St. Paul and Rachol were instructed.[2]

Associated with the Jesuit Fathers of Goa was an English Jesuit, Thomas Stevens, who, after training at Winchester, Oxford and Rome, landed in Goa in 1579. Stevens is believed to be the first Englishman to have lived in India. He worked in the country for forty years and died there in 1619 at the age of seventy. According

[1] See *A History of Printing, Its Development During Five Hundred Years*, by J. C. Oswald (1928).

[2] See *Oriental Conquests*, by Father Francis de Souza, Vol. I, p. 19; *History of Goa*, by Fonseca, p. 58.

to the author of *Oriente Conquistado*,[1] Stevens translated a Portuguese Primer into the local language for the use of the college pupils.

In 1577, twenty years after the publication of the Goan catechism, but two years before Stevens' arrival in India, John Gonsalves, a Spanish Lay-Brother of the Society of Jesus, cast for the first time a set of Malayalam-Tamil characters with which he printed a translation of St. Francis Xavier's *Christian Doctrine*. Church authorities have differed on whether the book was printed in Malayalam or Tamil and whether the press was located at Cochin or Vypicotta. According to Father Paulinus, the printing was in Tamil.[2] Father Francis de Souza, on the other hand, in his account refers to it having been in Malayalam. The former authority is also responsible for the view that the site of the press was Cochin.[3] No copy of the book is known to exist in India and the confusion as to the language used is probably due to foreigners referring indiscriminately to Malayalam and Tamil as if they were the same.

A year later (1578) another press was established at Punikael, a village in the Tinnevelly District. According to Father Paulinus, at this press Father John de Faria, S.J., engraved and cast types of Tamil letters common to the Fishery and Coromandel Coasts, in which he published the *Flos Sanctorum*.[4] He adds that there were also printed a Christian Doctrine, a copious Confessionary and other books. "Those provinces admired the new invention, and Christians as well as Gentiles[5] asked for those printed books and showed much appreciation for them."

It has been pointed out by two writers[6] on this subject that the types of John Gonsalves' press were probably not movable but block-types of wood, whereas those of Father de Faria's press were movable and, therefore, a great advance on the earlier work.

A press was set up at Vypicotta in 1602. According to one authority:

> "In compliance with the disciplinary decrees of the Synod of Diamper (1599) the Jesuits of Vypicotta were asked to co-operate in the reform of the Syrian liturgical books used in Malabar. We

[1] Father Francis de Souza.

[2] *Viaggio alle Indie Orientali da Fra Paolino di San Bartolomeo, Carmelitano Scalzo.* Rome : 1796, p. 346.

[3] *India Orientalis Christiana*, Rome (1794), p. 181.

[4] ibid.

[5] i.e., Hindus.

[6] Bishop Medleycott in *The Mangalore Magazine*, June 1901; Rt. Rev. Leo Proserpio, Bishop of Calicut, in *The New Review*.

thus find them at this time in correspondence with Rome, whence they hoped to obtain Missals and other liturgical books of the Chaldean Church.

But instead of the Missals that had been asked for, Pope Clement VIII sent them a press with Chaldean types. It was brought in 1602 by Father Albert Laertius, S.J., and set up at Vypicotta. The first book printed there was a literal translation of the Roman Ceremonial and of the Exorcisms and Blessings contained in the Missal. The Syrian Missal and Breviary, as expurgated by Fr. Francis Roz, S.J., who had succeeded Mar Abraham as Archbishop of Malabar, was next taken in hand.

These books were written in Syriac (or Chaldean) with notes and explanations in Malayalam printed in Syriac script—a manner of writing even now called *Carson*."[1]

The next printing press in India was not established till 1679 at Ambalakad, a village twenty miles south of Trichur, where the first Tamil-Portuguese Dictionary was published. One reason for the slowness with which printing developed in India was the Moghul practice of employing calligraphists to copy books of note. Visiting India about 1689, the Rev. J. Ovington wrote:

> "Neither have they endeavoured to transcribe the art of printing; that would diminish the repute and livelihood of their scrivans who maintain numerous families by their pen."[2]

As we have already noted, the authorities, both religious and secular, were apprehensive of the effect of printing and in several countries, including England, repressive measures were taken against its advancement. Nevertheless, artists and craftsmen continued to experiment and evolve new types and though the standard was not always so high as that of some of the previous work, the museums and libraries of Europe are rich with the products of these early printers.

The art of printing, however, is only incidental to the main enquiry since it was but one phase of the movement of intellectual and territorial expansion which was taking place throughout Europe. It is necessary to recall at this stage that four years after Father Stevens arrived in India, that is to say in 1583, four other Englishmen landed in Goa—more by accident, though, than by design. They were John Newbery, an adventurous London merchant who had previously made the overland journey to the East, Ralph Fitch, another trader, William Leeds, a gem-polisher,

[1] *The New Review :* article by the Rt. Rev. Leo Proserpio, Bishop of Calicut.
[2] *A Voyage to Surat in* 1689, by the Rev. J. Ovington, pp. 251–2.

and James Storey, a painter who, in pursuit of adventure and fortune, had been allowed to accompany the merchants at his own expense. Their intention had been to find their way to the Far East by the overland route from Syria; Newbery, the leader of the party, had letters of introduction from Queen Elizabeth to the Moghul Emperor of India, Akbar, as well as to the "King of China."

The main object of the expedition, as indeed was the object of all the attempts to penetrate commercially into the East, was to find markets for English woollens. A subsidiary purpose was the setting up of direct trading contacts with the Orient for spices and certain manufactured articles. Hitherto, this commerce had been in the hands of the Levant merchants and Spain and Portugal were claiming monopolistic rights in the trade. It was not surprising, therefore, that when the four adventurers reached the island of Hormuz, in the Persian Gulf, the Portuguese Governor there became suspicious of their intentions and had them shipped off to Goa to be dealt with by the Portuguese Viceroy in that territory. They landed in Goa in 1583. After many vicissitudes, they were given their liberty on condition that they did not leave the Portuguese domain. At the end of some four months, the three merchants wearied of this restriction and decided to seek fortune farther afield.

Leeds, the gem merchant, eventually accepted service with the Emperor Akbar. Newbery set out to return to England but died on the way from India to Persia. Fitch, as he had previously promised Newbery, continued his travels and, following the Jumna river, visited Allahabad, Benares, Patna and Tanda, thereafter going to Cooch Behar. He set out to return to England in 1589 and arrived in his native country in 1591, after an absence of over eight years. Storey had been invited to enter the Order of Jesuits as they required a painter to decorate their churches. It is known that he did not remain with the Fathers but his actual end is obscure.

Merchants in London, ever anxious for expansion of trade, were by now becoming deeply interested in the prospects which the stories of returned travellers held out. Describing Agra as he saw it in 1584, Ralph Fitch wrote:

> "Hither is great resort of merchants from Persia and out of India, and very much marchandise of silke and cloth, and of precious stones, both rubies, diamants, and pearles."

Referring to his voyage down the Jumna, he said:

> "I went from Agra to Satagam in Bengala, in the companie of one hundred and fourescore boates laden with salt, opium, hinge (asafoetida), lead, carpets, and divers other commodities, downe the river Jemena."

Fitch also reported that gold was found at Patanaw (Patna): "they digge deepe pits in the earth, and washe the earth in great bolles, and therein they find the gold, and they make the pits round about with bricke, that the earth fall not in." Further: "There is a trade of cotton and cloth of cotton, much sugar, which they carry from hence to Bengal and India, very much opium and other commodities."

> "When the Portugals," wrote Fitch for the benefit of the merchants in London, "go from Macao in China to Japan, they carry much white silke, golde, muske, and porcelanes, and they bring from thence nothing but silver. They have a great caracke which goeth thither every yere, and she bringeth from thence every yere above six hundred thousand crusadoes (a Portuguese gold coin); and all this silver of Japan, and two hundred thousand crusadoes more in silver which they bring yeerely out of India, they imploy to their great advantage in China; and they bring from thence golde, muske, silke, copper, porcelanes, and many other things very costly and gilded."

The information that such travellers as Fitch were able to impart amounted to important commercial intelligence and the interest on the part of London merchants which had been in existence ever since Cabot had set out almost a hundred years earlier to find a sea route to the East, now took a more tangible form. In 1599 subscription lists were opened for a company to develop the new East India trade. Progress was, however, impeded because Queen Elizabeth was not willing to give her consent to the formation of the company pending the conclusion of peace with Spain. By December 31, 1600, as is well known, the royal charter was granted and the company was incorporated under the title of "The Governor and Company of Merchants of London Trading into the East Indies."

On the 13th February, 1601, five vessels belonging to the new company set out on the long voyage to the East. By the 5th June the following year they reached Achin in the island of Sumatra.

Just about this time a Levant merchant, John Midnall, was, like his predecessor Newbery, undertaking an overland route to

India. After a long journey through Persia and Afghanistan he reached Lahore in 1603 and, again like Newbery, presented himself at the court of the Emperor Akbar. He seems to have represented that he had ambassadorial credentials and, as a result, secured certain trading privileges for his country. Some five years later he returned to England to secure support from the East India Company. Subsequently, he made a second voyage to India, where he died in 1614; the only Englishman to have visited the courts of Akbar and his son, Jehangir.

The Company's Second Voyage began in March, 1604 and the Third Voyage in April, 1607.

Reference must now be made to an adventurous Englishman whose exploits are well known. He was William Hawkins—in charge of the *Hector*—one of the three ships belonging to the Company's Third Voyage. Some sixteen months after leaving England, this vessel anchored off the mouth of the river Tapti in Surat and achieved the distinction of being the first English ship to reach an Indian port. Anxious to follow up this advantage, Hawkins eventually arrived at Agra and presented a letter to the Emperor Jehangir which he had brought from King James. He was evidently attracted by the atmosphere, for he became attached to the Moghul court and lived as a Mohammedan. After experiencing periods of popularity and unpopularity, he left Agra at the end of 1611 to return to England. He did not, however, survive to relate his experiences for he expired two years later towards the end of the voyage home.

In the meantime, the East India Company had been sending out successive fleets and about the time of Hawkins' death, the Eighth Voyage was in progress. It had been the practice during these voyages for "factors," or merchants, to be left behind in various centres for commerce in the East Indies. Their duty was to buy commodities when favourable prices ruled and retain them until another fleet from England reached the port and to sell the exports from England from time to time as the market was favourable. The chief articles brought from England were woollens, rabbit skins, tin, quicksilver and amber, while the return cargoes generally consisted of calicoes, indigo, spices, pepper, silk and saltpetre.

Not only was there this direct trade between the East and West, but the foundations were also laid for an *entrepreneur* trade in the goods of India for purchasers in the various islands of the Malay Archipelago where the printed calicoes of southern India

were much appreciated. English merchants were not alone in this trade which was also being pursued with vigour, and more success, by their Dutch and Portuguese rivals. So severe was the competition during these years—1610–1615—that pressure was brought to bear upon the authorities in England by the East India Company for the exertion of all possible influence upon the Netherlands for the conclusion of some mutual treaty between that country and the British merchants for the division of the trade of the East Indies. Negotiations were opened but it was not until many years later that an amicable settlement was arrived at.

In the beginning of 1613 the Emperor Jehangir issued an imperial *firman* providing, among other things, that protection should be given to the English merchants and their goods while on Indian territory, that trade should be freely permitted subject to the payment of the usual customs duties, and that an English representative should be appointed to the Moghul court.

Arising from this last provision, and also the conviction in London that it would not be advisable to leave the diplomatic aspect of the newly developing relations in the hands of merchants, Sir Thomas Roe was sent as ambassador to the Court of Jehangir where, as is generally known, he stayed for over three years. His letters (as well as those of his chaplain, Terry) show him to have been well qualified to act as his country's combined diplomatic representative, trade commissioner and political correspondent.

By now the British connection with India had reached a point where diplomatic relations had been established with the ruling house, "factories" were flourishing at Surat, Masulipatam and Hugli, and sundry traders, chaplains, ships' surgeons and others had found their way to India.

This was a time when the possibilities of trade expansion were being realised all over the Continent and the private advices exchanged between merchants began to be supplemented by printed news-sheets. The first of these pamphlets to be published regularly was issued in Germany; the *Avisa Relation Oder Zeitung*, first printed in 1609. In 1611 Nathaniel Butter, a freeman of the Stationers' Company, published his *Newes from Spain*, and this was followed by the Antwerp *Nieuwe Tijdingen*. In May, 1622, was issued what is now conceded to be the first English newspaper, *The Weekly Newes from Italy, Germany, etc.*, published in London by Nicholas Bourne and Thomas Archer. On the appearance of the *Weekly Newes*, Nathaniel Butter published a rival quarto sheet with the title *Newes from Most Parts of Christendom* and

eventually the rivals combined their efforts in a venture named *Newes of the Present Week*. Archer's *Mercurius Britannicus* (1625–27) followed. Printing presses were licensed and foreign news was taxed; nevertheless a number of news sheets relating to events in various parts of Europe were published from time to time and the roots of the press may be said to have been established.

The progress of these sheets was, however, checked by the Star Chamber edict in 1632 against the printing of news from foreign countries. Charles I had made peace with Spain in 1629 and with France in 1630 and was at this time engaged in filling his exchequer by all manner of means and in trying to extirpate Puritanism. But in 1641 the Long Parliament abolished the Star Chamber and the other extraordinary courts used by the King for his purposes, and the press was for the time being relatively free.

It was the struggle between the King and Parliament, between the Catholics and the Puritans, which provided the material for the many brilliant pens of the early pamphleteers and journalists who founded the British Press.

CHAPTER TWO

CHRONOLOGICAL TABLE

1641 Abolition of Star Chamber and freeing of press; Shah Jehan Emperor of India.

1644 John Milton writes *Areopagitica* claiming the right of liberty of expression in print.

1695 Parliament declines to continue the censorship of the press; William III King of England; Aurangzeb Emperor of India.

1702 First English daily newspaper published—the *Daily Courant*; Anne Queen of England.

1704 Daniel Defoe starts his *Review*.

1709 Richard Steele founds the *Tatler*.

1710 Jonathan Swift associated with the *Examiner*.

1711 Joseph Addison and Richard Steele contribute to the *Spectator*.

1712 Newspaper development affected by imposition of Stamp Act.

1750 Dr. Johnson publishes the *Rambler*; George II King of England; Dupleix fighting for French supremacy in India.

1761 John Wilkes founds the *North Briton* and wages campaign for liberty to express opinion; George III King of England.

CHAPTER TWO

EARLY PERIODICALS

THE freeing of the press in 1641 led to two important developments; the expansion of what had previously been news-sheets into publications containing views and, consequently, the emergence of political journalism. The conflict out of which the press had been born (the struggle between King and Parliament) was evidence of a growing desire for power on the part of a wider circle of people than had hitherto wielded authority and this led to an ever increasing desire for knowledge. The writers of news-letters found that their endeavours were appreciated in the provinces and their numbers grew: Macaulay reconstructed the life of these pioneer journalists when he wrote:

> "The news-writer rambled from coffee-room to coffee-room collecting reports, squeezed himself into the Sessions House at the Old Bailey if there was an interesting trial, nay, perhaps obtained permission to the gallery of Whitehall and noticed how the King and Duke looked. In this way he gathered materials for weekly epistles destined to enlighten some country town or some bench of rustic magistrates. Such were the sources from which the inhabitants of the largest provincial cities, and the great body of the gentry and clergy, learned almost all that they knew of the history of their own time."[1]

Most of these news-letters were, of course, in manuscript though some were later printed to imitate calligraphy. Payment was generally by yearly subscription and it is interesting to note that this intimate type of correspondentship between political commentator and reader has recently been revived by some well-known publicists.

The growing interest in the proceedings of Parliament was shown by the publication, in November, 1641, of a periodical named *The Head of Severall Proceedings in the Present Parliament* which soon became a weekly with the title *Diurnal Occurrences.* This publication was followed on January 31, 1642, by a *Perfect Diurnal of the Passages in Parliament.*

Until January, 1643, these journals were expressive of the

[1] *History of England,* Chapter 3, p. 405.

parliamentary point of view but during this month there was published at Oxford the first Royalist diurnal with the title, *Mercurius Aulicus, a Diurnal communicating the intelligence and affaires of the Court to the rest of the Kingdome.* This was followed by *Mercurius Academicus,* edited by Sir John Berkenhead, a fellow of All Souls.

The first Civil War was then in progress, the majority of the nobility being on the side of the king, and the rising number of traders who had previously been craftsmen and yeoman, giving their allegiance to Parliament. Reference to the journals of the period shows that the scribes of both sides made full use of their powers of invective. It was during the same year that Richard Collings, a Parliamentarian, began his *Kingdome's Weekly Intelligencer* and his *Mercurius Civicus.*

As the struggle persisted and public interest grew, the number of newspapers increased. Reports of battles all over the country were supplied by the scribes, while Parliament employed an official "Scoutmaster-General" who had messengers attached to the chief Roundhead armies. It was the duty of these messengers to render detailed accounts to Westminster which, after being read to the Commons, were despatched to the various journals for dissemination to the public. There is thus a very old precedent for the Press Officers who are attached to-day to various Government Departments.

The most brilliant historian can hardly convey to us the atmosphere of Stuart days as vividly as can reference to these contemporary journals; the bitterness and misery of civil war. Yet another era in the history of the press began on January 30, 1649, with the execution of Charles I and the establishment of the Commonwealth.

Once more, by a new Act of Parliament in 1649, the freedom of the press was restricted. Amongst the measures adopted by Cromwell in his desire to permanently abolish the monarchy and the House of Lords, was a rigid control of publications which were strictly confined to official journals. Amongst these were *A Brief Relation, Severall Proceedings in Parliament, A Perfect Diurnall* and *Mercurius Politicus.*

Mention of the last-named brings us to one of the greatest figures in English literature, John Milton, for he was the editor of *Mercurius Politicus* for about a year. For the last eight years or so he had been publishing pamphlets on behalf of the Puritans and Church reform and in one of them (*The Reason of Church Govern-*

ment) he records how the call of duty resolved him to "leave a calm and pleasing solitariness, fed with cheerful and confident thoughts, to embark on a troubled sea of noise and hoarse disputes."

It will be recalled that Milton's unfortunate marriage with a young wife who deserted him for two years led him to bring out a pamphlet in favour of divorce in which he declared that the idea of the sacramental sanctity of marriage was a clerical invention and superstition. He openly declared his authorship and ran considerable risks in giving expression to what was then so heretical a view. This was followed by a treatise *Of Education* and a further pamphlet on divorce, addressed especially to the clergy. This was in 1644 during the First Civil War and the indignation of the clergy was given full expression when sermons were preached against him and efforts were made to secure a parliamentary censure on his writings. The dispute was brought to a crisis by the Stationers' Company on the grounds that Milton's first treatise on divorce, though published immediately after the "Printing Ordinance," requiring all publications to be licensed and registered at the Stationers' Company, did not comply with the regulations. A petition was presented by the Stationers to the House of Commons and the matter came before a committee of both Houses.

As a result, Milton wrote his famous defence of free expression of thought, *Areopagitica, a Speech of Mr. John Milton for the Liberty of Unlicensed Printing, to the Parliament of England.* It attacked the censorship of the press and the system of licensing and was deliberately published without a license. Though the pamphlet did not result in the repeal of the ordinance, it certainly led to greater liberty of expression.

In 1649 came the Commonwealth and Milton's appointment as Latin secretary, a post where he was required to translate into Latin (the official language for diplomatic documents) letters written to and received from foreign courts. Two years later he became superintending editor of the *Mercurius Politicus* and was the author of some of the leading articles. The actual editor was Marchamont Nedham, a not too scrupulous writer who, however, possessed a vigorous style.

With the accession of Charles II in 1660, the *Mercurius Politicus* and the *Kingdome's Intelligencer* were discontinued but in their place were published, the *Intelligencer* and the *Newes*. Five years later appeared the first issue of the *Oxford Gazette*, published

twice weekly. In February, 1666, the *Oxford Gazette* became the *London Gazette* and it has been published twice a week ever since as the organ of Government for the publication of official notices.

The press went through various vicissitudes during the reign of James II, the Revolution, and the reigns of William III and Mary. In 1693 the censorship was abandoned and a new impetus given to the profession.

The events leading to the establishment of the freedom of the British Press have been vividly described by Macaulay:

> "While the Abbey was hanging with black for the funeral of the Queen (Mary II) the Commons came to a vote, which at the time attracted little attention, which produced no excitement, which has been left unnoticed by voluminous annalists, and of which the history can be but imperfectly traced in the Journals of the House, but which has done more for liberty and for civilisation than the Great Charter or the Bill of Rights. Early in the session a select committee had been appointed to ascertain what temporary statutes were about to expire, and to consider which of these statutes it might be expedient to continue. The report was made; and all the recommendations in the report were adopted, with one exception. Among the laws which the Committee thought that it would be advisable to renew was the law which subjected the Press to a censorship. The question was put, 'that the House do agree with the Committee in the Resolution that the Act entitled an Act for preventing Abuses in printing seditious, treasonable, and unlicensed Pamphlets, and for regulating of Printing and Printing Presses, be continued.' The Speaker pronounced that the Noes had it; and the Ayes did not think fit to divide."

This happened in 1695 and amongst the important consequences was the number of provincial newspapers which began publication and the appearance on March 11, 1702 of the first English daily newspaper—the *Daily Courant*. Published at "Fleet Bridge," the *Courant* began its career with the promise that it would give "all the material news as soon as every post arrives, and is confined to half the compass, to save the public at least half the impertinences of ordinary newspapers." Rarely did the newspapers of Queen Anne's reign commit themselves to opinions, but the news columns and the advertisements faithfully reflect the spirit of the period.

Contemporary opinion is to be found more in the weekly papers and another powerful writer, Daniel Defoe, has left us his

impressions. At the age of 38 he had gained some notoriety by his remarkable *Essay on Projects* (1698) in which he made a number of advanced suggestions concerning the management of banks, friendly and insurance societies, lunatic asylums, academies, military colleges and high schools for women. Defoe also wrote a number of pamphlets on the religious controversies of the day for which he ultimately suffered a term of imprisonment, though this did not deter him from continuing to write pamphlets.

In 1704, the year in which he was released, Defoe, or de Foe, as he was alternatively known, started *The Review*, the only complete copy of which is in the British Museum. This paper, which was issued during the greater part of its existence three times a week, was entirely written by Defoe and he showed extreme skill both as a commentator and as a special reporter. His partiality for the foreign policy of the Tories and for the home policy of the Whigs caused him to be charged with insincerity. Indeed, it was ascertained nearly a hundred and fifty years after his death that he had acted, in his journalistic capacity, as a government agent. He is, of course, universally known for his *Life and Strange Surprizing Adventures of Robinson Crusoe*, published in 1719. We are, however, only concerned with his journalistic work and it may be added that Defoe is considered by some to have been the originator of the serial story. His *Review* was discontinued in 1713 and between 1716 and 1720 he brought out a monthly with an old title, *Mercurius Politicus*.

Another famous name now claims our attention—that of Edward Lloyd who, in 1696, started a tri-weekly paper, *Lloyd's News*, which after a brief existence, was discontinued for nearly thirty years when it was revived under the title, *Lloyd's List*. This sheet still exists to-day as a daily.

From Defoe and Lloyd we now come to three of the most famous of British journalists, Jonathan Swift (1667–1745), Richard Steele (1672–1729) and Joseph Addison (1672–1719) whose names are imperishably associated with the profession they adorned.

Swift, as is well known, was born in Dublin and later became Dean of St. Patrick's in that city. His skill as a satirist became appreciated with his *Pindaric Odes* and his *Battle of the Books* and, later, his *Tale of a Tub*. He also wrote on religious questions and proved himself a master of irony with his *Argument to prove that the abolishing of Christianity in England may, as things now stand,*

be attended with some inconveniences. As a journalist, he made his name by becoming known as the father of the leading article. For 33 issues he had control of the *Examiner* (from November, 1710 to June, 1711), an organ established to expound the Tory viewpoint. He was also the author of a number of pamphlets and an acknowledged power in the land, until his transfer took him to Dublin. Best remembered for his *Travels Into Several Remote Nations of the World* by "Lemuel Gulliver," Swift is one of the most tragic and yet significant figures in English literature. He longed for power and wielded his pen with amazing dexterity; his influence on successive generations of writers has been profound.

Richard Steele was also an Irishman who, on going to Charterhouse in 1684, first met Addison—thus beginning a friendship which was destined to be of such importance to English literature. Their association was continued at Oxford and again when Steele started the *Tatler* in 1709. It was published three times a week and was partly a newspaper, and partly a record of political and society activities. The paper was already established when Addison joined his friend; in fact he only contributed to forty-two of the two hundred and seventy-one issues of the *Tatler*. In January, 1711, it ceased publication, but was followed two months later by the *Spectator*, Addison being the chief contributor while Steele supplied much of the inspiration. The paper was to be non-political and, as it declared in its tenth number, was to "bring philosophy out of the closets and libraries, schools and colleges, to dwell in clubs and assemblies; at tea-tables and in coffee-houses." For nearly two years the paper was the delight of its readers and, though it had a short life, the comments of Mr. Spectator and his fellow club members set a standard between the intolerance of the Puritans and the excesses of the Restoration period.

Addison was, said Macaulay, a "consummate painter of life and manners" and a "great satirist who alone knew how to use ridicule without abusing it; who, without inflicting a wound, effected a great social reform, and who reconciled wit and virtue, after a long and disastrous separation, during which wit had been led astray by profligacy and virtue by fanaticism."

Both Steele and Addison were Whigs, but a year before the latter's death (in 1719) they became estranged over a political controversy though there was never any doubt of the esteem in which they held one another. Steele lived for another ten years

and brought out a number of other journals besides the *Tatler* and the *Spectator*.

In the meantime, the ever-growing influence of the press was causing concern to the Government of the day which was also anxious for increased sources of revenue. Therefore, it was decided to tax the newspapers by imposing (in 1712) a duty of a halfpenny on papers of half a sheet or less and a penny on those ranging from half a sheet to a full sheet. This was one of the reasons for the short life of the *Spectator*. In the aggregate, however, the number of papers did not diminish. In fact, the political intrigues of the day led to a decided increase in the journals in circulation.

The Stamp Act was made more stringent towards the middle of the eighteenth century but in spite of this the number of newspapers rose rapidly. It was estimated that, taking an average of three years, the total of newspapers sold annually in England in 1753 was 7,411,757 and by 1767 the number was 11,300,980. Ten years later the number of newspapers published in London alone was estimated at fifty-three.

The second half of the eighteenth century brings us to Dr. Johnson's bi-weekly, the *Rambler*, started in 1750, and his weekly, the *Idler* (1758). Three years later appeared the notorious *North Briton*, whose founder, John Wilkes, exerted a far-reaching influence on the development of the press. His determined fight for the liberty of the press culminated in victory in 1772 when the right to publish parliamentary reports was established. Profligate though in many ways he was, Wilkes' courage and determination earned not only greater freedom for the press, but caused the demonstrations of popular will which led to greater freedom of the public.

From the early days of its establishment, journalism had been a dangerous profession, to those in authority and to its practitioners. Authors and printers were liable not only to imprisonment but to flogging, mutilation and torture. Milton had said: "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."[1] Defoe had declared: "If I might give a short hint to a public writer, it would be to tell him his fate. If he regards truth, let him expect martyrdom on both sides, and then he may go on fearless, and this is the course I take myself." And Wilkes concluded his attack on Lord Bute in the famous "No 45" of the *North Briton* with: "The

[1] "In Praise of England," from *Areopagitica*.

prerogative of the Crown is to exert the constitutional powers entrusted to it in a way, not of blind favour and partiality, but of wisdom and judgment. This is the spirit of our constitution. The people too have their *prerogative*, and, I hope, the fine words of Dryden will be engraven on our hearts:

'Freedom *is the English subject's* Prerogative.' "

It is well known how George III took deep personal offence at the article and how, under a general warrant, Wilkes and forty-eight others were seized and thrown into the Tower. A week later he was released on the ground that his arrest was a breach of privilege, since he was a Member of Parliament, and eventually general warrants were declared illegal. The story of Wilkes' subsequent outlawry for nearly four years as a consequence of an obscene parody of which he was part author does not concern us here. But the printing of this was never completed and it has been established that Wilkes' enemies did not shrink from forgery. He was frequently elected to Parliament and just as frequently expelled. "Wilkes and Liberty" has become a cry which has passed into the annals of English history, for he secured not only the freedom of the press but by his courage and persistence, freedom of choice for the electors.

The leading daily paper in the middle of the eighteenth century was the *Public Advertiser*, previously known as the *General Advertiser* and for some time as the *London Daily Post*. Reference to this journal provides our link with India for in its columns appeared the famous *Letters of Junius* which have been ascribed to Sir Philip Francis. Later, in 1774, he was to serve under Warren Hastings in the newly constituted Supreme Council of Bengal and become the Governor-General's bitter antagonist. In his essay on Warren Hastings, Macaulay refers to Francis' ability and says that "His acknowledged compositions prove that he possessed considerable eloquence and information. Several years passed in the public offices had formed him to habits of business. . . . Was he the author of the *Letters of Junius*? Our own firm belief is that he was."[1]

Here it is sufficient to note that the *Letters of Junius*, which were aimed at discrediting the ministry of the Duke of Grafton (who had succeeded Chatham on his withdrawal because of ill-health) greatly increased the circulation of the *Public Advertiser*

[1] *Historical Essays* (Nelson), p. 405.

which had been conducted with marked success by Henry Woodfall and his son, Henry Samson Woodfall. It is also of interest that it has been assumed, from circumstantial evidence, that Francis was associated with the first newspaper to be published in India.

Such, in brief, were the origins of British journalism. We shall see how its child, the Indian Press, was to develop along closely similar lines. There was to be the same spirit of enquiry regarding the administration of government and hitherto accepted social customs, as well as a parallel demand on the part of an ever increasing body of opinion for a share in the control of public affairs.

CHAPTER THREE

CHRONOLOGICAL TABLE

1662 Bombay ceded to Charles II.

1757 Battle of Plassey won by Robert Clive.

1773 Lord North's Regulating Act for India; George III King of England.

1774 Warren Hastings Governor-General of Fort William.

1778 War with France.

1781 Calcutta Madressa founded by Warren Hastings.

1784 Pitt's India Act.

1785 Warren Hastings resigns; Sir John Macpherson acting Governor-General.

1786 Lord Cornwallis Governor-General.

1789 French Revolution.

1792 Jonathan Duncan establishes Sanskrit College at Benares; Wilberforce urges the despatch of missionaries and schoolmasters to India.

1793 Sir John Shore Governor-General.

1798 Lord Wellesley Governor-General.

1805 July: Lord Cornwallis Governor-General;
October: Sir George Barlow Governor-General.

1807 Lord Minto Governor-General.

1813 East India Company Act; Lord Hastings Governor-General.

1816 Raja Ram Mohun Roy and David Hare establish the Hindu College.

1818 Baptists Carey, Marshman and Ward open first missionary college at Serampore.

1820 George IV becomes King of England.

1823 Lord Amherst Governor-General.

1833 Government of India Act; William IV King of England.

CHAPTER THREE

EFFECTS OF BRITISH DOMINATION IN INDIA

FROM the time of Sir Thomas Roe's embassy to the Court of Jehangir, British merchants had been steadily penetrating into the Indian continent, and they had been followed by soldiers and administrators whose task it was to consolidate the achievements of the East India Company.

It is not necessary to recapitulate the familiar events which eventually led to the British domination of India; a period which began when Bengal and Bihar came under British rule in 1757, as a result of the battle of Plassey. In short, as Lord Curzon expressed it, the problem then became one of converting the Government from the management of the affairs of a mercantile company and the military defence of a scattered and precarious dominion, to the civil administration of a vast and powerful Empire.[1]

Lord North's Regulating Act of 1773 was the first attempt to put the Company's administration of India on a constitutional footing. By this Act the former Trading Council in Calcutta was replaced by the appointment of a Governor-General with a Council of four for the Presidency of Bengal. Decisions were to be made in Council by the majority of those present, the Governor-General having a casting vote in the event of an equal vote. His salary was fixed at £25,000 per annum. Warren Hastings was the first Governor-General appointed under this Act.

The task of administration was naturally bound up with the question of an efficient and trained personnel. In order to comprehend the various aspects of this question, it is desirable to glance at the educational facilities which existed in India prior to the British occupation and the measures which were adopted to adapt them to the purposes of the governing race.

In a letter to Jean Baptiste Colbert (Finance Minister to Louis XIV of France), Francois Bernier asked the following questions:

> "A profound and universal ignorance is the natural consequence of such a state of society as I have endeavoured to describe. Is it

[1]*British Government in India*, Vol. II, p. 51.

possible to establish in Hindoustan academies and colleges properly endowed? Where shall we seek for founders? or, should they be found, where are the scholars? Where the individuals whose property is sufficient to support their children at college? or, if such individuals exist, who would venture to display so clear a proof of wealth? Lastly, if any persons should be tempted to commit this great imprudence, yet where are the benefices, the employments, the offices of trust and dignity, that require ability and science and are calculated to excite the emulation and the hopes of the young student?"

Bernier was drawing upon a very intimate knowledge of the "state of society" of the Moghul kingdom when he made these observations.[1] It was a society where there was no incentive to build, on the part of private individuals, since all land belonged to the Emperor and landed property as well as other forms of wealth could be escheated at any time if the imperial exchequer were short or the Emperor wished to express his anger.

Bernier was himself a member of the Faculty of Medicine of the University of Montpellier and at the time he wrote his letter to Colbert, Cambridge University had existed as a seat of learning for some four hundred years and Oxford University for over three hundred years. No comparable institutions existed in India at that period. This does not, however, mean that learning was not esteemed in that country. Indeed, the love of knowledge had an early origin.

One historian writes of the third century, B.C.:[2]

> "The different arts and sciences received considerable development in this epoch. The curriculum of the University of Taxila which was then in its most flourishing condition, throws some light on the nature of the various subjects current among men of the time. It is said that as many as sixteen branches of learning were taught in the different Schools in the University. Medicine was especially cultivated in Taxila and in the University there were Schools of Painting, Sculpture, Image-making and Handicrafts. Astronomy also received the greatest attention of the people of the time. Ujjain was then famous as the seat of the study of astronomy. Veterinary Science was actively cultivated in the time of Asoka and there were animal hospitals in different parts of the country."

In the first century A.D. the University of Nalanda in Bihar

[1] *Travels in the Mogul Empire*, by Francois Bernier, 1656–1668, ed. Constable and Smith, p. 229.

[2] *Education in Ancient India*, by N. N. Mazumdar, p. 6.

flourished. According to Hiuen Tsang, the Chinese pilgrim, 10,000 students lived at this seat of learning and received free education in such subjects as Grammar, Rhetoric, Logic, Arithmetic, Geometry, Astronomy, Music, Medicine, Philosophy, Sanskrit and Pali.

The medieval period saw the rise of the Mohammedans. Their numerous invasions and other internecine wars had a far-reaching effect on education. Priests and teachers who had relied on temple lands for their incomes, found these lands confiscated and thus Hindu learning, in the north, entered a period of decline. So much for the negative side. Actually, Islam brought a new vision to India.

The Emperor Akbar, who has been described as having been "illiterate but not unlearned" and who had resisted all the attempts of his father, Humayun, to make him a scholar, was far from being an opponent of education. Indeed, in the famous *Ain-i-Akbari* by the Emperor's friend, Abul Fazl, it is laid down:

> "Every boy ought to read books on morals, arithmetic, the notation peculiar to arithmetic, agriculture, mensuration, geometry, astronomy, physiognomy, household matters, the rules of Government, medicine, logic, the tab'i, riyazi, and ilahi sciences, and history; all of which may be gradually acquired."[1]

Further testimony to the love of learning in Moghul days is to be found in the writings of contemporary Europeans who visited the courts of the Emperors. Sir Thomas Roe, for instance, writes in a letter to the Archbishop of Canterbury dated October 30, 1616:

> "The *molaes* (mullas) of Mahomett know somewhat in philosophy and mathematiques, are great astrologers, and can talke of Areistotle, Euclyde, Averroes (Averrhoes) and other authors."[2]

Under Islam, it will be observed, education was not to be the prerogative of a small but all-powerful oligarchy, such as the Brahmins, but was to be the birthright, at least in theory, of "every boy." There was a *mulla* in every village who would gather round him the children of his followers and teach them the important verses of the Koran; in course of time they would learn the alphabet and how to decipher the Holy Book of Islam, letter by letter. The Muslims also brought with them the belief that

[1] *Ain-i-Akbari*, ed. Blochmann, p. 279.
[2] *The Embassy of Sir Thomas Roe to India*, ed. Foster, p. 275.

before Allah all men are equal, as well as the Persian language which was to have an important influence on literature.

Both the Hindus and the Muslims were alive, therefore—in their own way—to the need for education, and it might be said that it was the long drawn out period of transition from the rule of the Moghuls to that of the British which led to the great deterioration of educational facilities in the eighteenth century.

"That the native governments were not inattentive to the important object of public education," wrote Governor-General Lord Hastings in 1815, "is evinced by the numerous grants of rent-free land, and of pecuniary allowances, for the endowment of public seminaries and the education of particular descriptions of pupils. But in the general disregard of established institutions which appears to have marked the steps of the British Government hitherto, their appropriation has been lost sight of, and the funds have through an inattention been converted into private property by native individuals."[1]

What, then, had been established in the place of these indigenous institutions? Christian missionaries had, of course, been long in the field; first the Jesuits, and later the Protestants. In this connection the work of the German missionary, Schwartz, who was first sent to India by the Danes, but was afterwards engaged by the English, is well known.[2] And it is true that in a Dispatch of 1659 the Court of Directors of the East India Company had expressed their desire to propagate the Gospel by all possible means. Then in 1660 a proposal was adumbrated that the Company's chaplains should act as missionaries and that they should receive special training for the purpose. But whatever education was imparted by missionaries was only incidental to the main object of conversion.

Newspapers and news books were also circulated during the Moghul regime. The following summary is the work of S. C. Sanial, an authority on Indian journalism in Hindu and Mohammedan times:[3]

> "The earliest distinct mention of ante-typographic newspapers is to be found in the *Muntakhabat-Al-Lubab* of Khafi Khan where we find the death news of Raja Ram, of the House of Sivaji, brought to the Imperial Camp by the newspapers. The great

[1] Minute by Lord Moira, October 2 (1815).
[2] See *Promotion of Learning in India by Early European Settlers*, by Narenda Nath Law.
[3] *The Calcutta Review*, Vol. CXXIV (1907), pp. 355-8.

> historian also gives us clearly to understand that the common soldiers in Aurangzeb's time were supplied with their newspapers. We are told by the historian that Aurangzeb allowed great liberty to the Press in the matter of news. As an example, he cites a case of a Bengal newspaper commenting rather severely on the matter of the Emperor's relation with his grandson Mirza Azim Oshan. In *Seir-ul-Mutaqherin*, there is a mention made of Kaem Khan, son of Jafer Khan, head of the Post and Gazette Office . . . During the declining period of the Mogul Empire the manuscript Press continued their circulation. Thus we find British popular historians noticing that in the summer of 1792 the public newspapers of Delhi stated that the Emperor had expressed to Madhaji Sindhia and the Peshwa his hope that they would enable him to recover the imperial tribute from the Bengal Provinces . . . I wish to mention two famous men who were connected with journalism in the eighteenth century. One was Asaf Jah's minister, Azim-ul-Omrah. He was originally a gentleman of the Press but rose in time to be Prime Minister of Asaf Jah. The other was Mirza Ali Beg—the Imperial Gazetteer (Waqanegaur)—the *doyen* of journalists throughout the empire. This officer was in constant attendance upon His Majesty. In his time the official intelligencer in Guzerat was Abdul Jaleel, a Syed of Belgram, who was also paymaster of the forces in that important province."

The classical languages of the country, Sanskrit and Arabic together with Persian which was the language of the Courts, were acquired in some degree by the servants of the East India Company. As it was desirable that further Muslims should be trained for service in the Courts, Warren Hastings, who was deeply interested in Oriental culture, founded the Calcutta Madressa for this purpose in 1781. The course of instruction included natural philosophy, theology, law, astronomy, geometry, arithmetic, logic, rhetoric, oratory and grammar, all subjects according to Islamic culture. There were five teachers and five classes and the students received stipends rising from Rs. 6 to Rs. 15, according to the class in which they were enrolled.[1]

1784 saw the passage of Pitt's Act, effecting further reforms in the East India Company and thus, again in the language of Lord Curzon, "the Company passed from being a narrow and selfish commercial oligarchy concerned only with profits and culpably indifferent as to means, into a governing organisation in which the tradesman was replaced by the statesman."[2]

[1] *Bengal: Past and Present*, Vol. VIII, p. 82.
[2] *British Government in India*, Vol. II, p. 156.

The new Act established a Board of Control, representing the Government, consisting of a President and five other Privy Councillors, including the Chancellor of the Exchequer and one Secretary of State. The Board, which was unpaid, was vested with authority over civil, military and financial affairs and had access to all records of the Court of Directors of the East India Company with power to amend the latter's Despatches to its servants in India. Thus began the era of the parliamentary control by the British people of the constitutional destinies of India, as apart from the period of independent control by the Company, representing a minority of traders. But the Company still retained control over its commercial interests.

Though the new system was to prove very difficult in operation, it was the Government's inevitable compromise in dealing with the popular demand that because the Company's monopoly was being abused it should be withdrawn. The record of British rule in India might have been very different had there not been so much diversity of opinion between the Governor-General on the spot and the Court of Directors in Leadenhall Street and the Board of Control in Whitehall. And what was the effect on India of this elaborate constitutional superstructure, both designed and operated by the natives of a country six thousand miles away? In the familiar words of Sir Thomas Munro:

> "The strength of the British Government enables it to put down every rebellion, to repel every foreign invasion, and to give to its subjects a degree of protection which those of no Native Power enjoy. Its laws also afford them a security from domestic oppression unknown in Native States; but these advantages are dearly bought. They are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable. The natives of British provinces may, without fear, pursue their different occupations as traders or husbandmen and enjoy the fruits of their labours in tranquillity; but none of them can look forward to any share in the civil or military government of their country. It is from men who either hold or are eligible for public life that nations take their character; where no such men exist, there can be no energy in any other class of the community. No elevation of character can be expected among men who in the military line cannot attain to any rank above that of a subedar, where they are as much below an ensign as an ensign is below the commander-in-chief, and who in the civil line can hope for nothing beyond some petty judicial or revenue office in which they may by corrupt means make up for their slender salary."

Fortunately, there were other administrators who deplored the neglect of Indian culture, especially as no alternative system of education was being substituted. A memorable effort to create an educational establishment along Indian lines came in 1792 when Jonathan Duncan, the British Resident at Benares (later Governor of Bombay) established the Sanskrit college in that city with the assistance of Lord Cornwallis, the energetic successor of Warren Hastings.

Originally, the establishment consisted of a head pundit, eight professors, nine salaried students, and a number of poor children who were instructed gratis, as well as any who wished to pay. The course was theology, ritual, medicine, music, mechanical arts, grammar, prosody, sacred lexicography, mathematics, metaphysics, logic, law, history, ethics, philosophy and poetry. The funds for this College, which later fell into some disrepute, were derived from the surplus revenue accruing from the permanent settlement. Mr. Duncan's view of the advantages of such an institution, contained in a letter to Lord Cornwallis dated January 1, 1792 is of great interest. He wrote:[1]

> "It appeared to me that a part of those funds could not be applied to more general advantage or with more local propriety than by the Institution of a Hindoo College or Academy for the preservation and cultivation of the Laws, Literature and Religion of that nation, at this centre of their faith, and the common resort of all their tribes.
>
> Two important advantages seemed derivable from such an establishment, the first to the British name and nation in its tendency towards endearing our Government to the native Hindoos; by our exceeding in our attention towards them and their systems, the care shewn even by their own native princes; for although learning has ever been cultivated at Benares, in numerous private seminaries, yet no public Institution of the kind here proposed ever appears to have existed; to which may, in a considerable degree, be attributed the great difficulty of now collecting complete treatises (although such are well known to have existed) on the Hindoo religion, laws, arts, or sciences; a defect and loss which the permanency of a college at Benares must be peculiarly well adapted to correct, and recover by a gradual collection and correction of the books still to be met (though in a very dispersed and imperfect state) so as with care and attention and by the assistance and exertions of the possessors and students to accumulate at only a small and comparative expense to Govern-

[1] *Bengal: Past and Present*, Pt. VIII, pp. 130–133.

ment, a precious library of the most ancient and valuable general learning and tradition now perhaps existing in any part of the globe. . . ."

So far as Western secular education was concerned, the Company showed little disposition towards its introduction in India. When, in 1792, the Company's charter again came before the House of Commons for renewal, Wilberforce (friend of Zachary Macaulay, the father of the great writer who was to have a considerable influence on Indian affairs) failed to carry a proposed clause in the Bill for the encouragement of missionaries and schoolmasters to be sent to India. In reply to the proposal, the opposition party in the Court of Directors urged that "the Hindus had as good a system of faith and of morals as most people and that it would be madness to attempt their conversion or to give them any more learning or any other description of learning than what they already possessed."

Wilberforce, who was much influenced by Charles Grant, once a servant of the Company in India and afterwards a Director and a member of Parliament, maintained his demand that "it is the peculiar and bounden duty of the British Legislature to promote by all just and prudent means the interest and happiness of the inhabitants of the British dominions in India; and that for these ends such measures ought to be adopted as may gradually tend to their advancement in useful knowledge and to their religious and moral improvement."[1]

The Company still remained indifferent to the question of education and in a Minute, written in 1811, the cultured Governor-General Lord Minto declared:

> "It is a common remark that science and literature are in a progressive state of decay among the natives of India . . . The abstract sciences are abandoned, polite literature neglected and no branch of learning cultivated but what is connected with the peculiar religious doctrines of the people. The immediate consequence of this state of things is the disuse and even actual loss of many valuable books; and it is to be apprehended that unless Government interpose with a fostering hand, the revival of letters may shortly become hopeless from a want of books or of persons capable of explaining them."[2]

[1] *Education in British India*, by Arthur Howell, p. 3.
[2] *Minutes of Evidence on East India Company*, 1832, App. I, Nos. 3, pp. 325–486.

In consequence of the persistent expression of public opinion in England, the East India Company Act of 1813, renewing the charter of the Company, contained a clause enabling the Governor-General to devote "a sum of not less than one lac of rupees in each year" to be "set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India. . . ."[1]

It is necessary to recall that at the time Wilberforce and his Evangelical followers were pressing for the inclusion of the education of the people of India among the activities of the East India Company, education in England was not State controlled but was being sponsored by private and corporate benefactors, such as the Church and the great merchant guilds. In fact, it was calculated in 1818 that "for one child who had the opportunity of education, three were left entirely ignorant." Not until 1833 (the year following the eventual passage of the Reform Bill) was the first Treasury grant made to elementary schools.

In the meantime, a number of private efforts in India were bearing fruit and schools had been founded at Tanjore, Cuddalore, Bombay and Calcutta, mostly under missionary influence. One of the earliest of non-missionary efforts was that of a young judge and magistrate of Bahagulpur named Cleveland, a friend of Warren Hastings, who founded a school for the mountaineering tribe of Puharees about 1780. Cleveland died in his twenty-ninth year and the school was, unfortunately, neglected by his successors though Lord Hastings eventually revived it. It was during the regime of the latter (1813–1823), who had declared that the strength of the Government in India must be based not on ignorance but on the enlightenment of the people, that Lady Hastings founded a school at Barrackpore (the country residence of the Governor-General) for eighty Indian boys and sixteen European and Eurasian girls.[2] The experiment was not successful for Lord Auckland, who followed in 1836, had to organise the school afresh.

Perhaps the most significant effort towards the establishment of Western education came in 1816 as a result of the joint endeavours of Raja Ram Mohun Roy, the enlightened Brahmin

[1] *Collection of Statutes Relating to India*, Vol. I, p. 116.
[2] *Private Journal of the Marquess of Hastings*, Vol. II, p. 146.

reformer of Bengal, and David Hare, an English watchmaker in Calcutta, of independent and secular views. They opened a Hindu College for the dissemination of Western learning and though the new institution was at first regarded with some suspicion, its influence gradually spread.

Miss Eden (Lord Auckland's sister) draws a vivid picture of the students at the Hindu College:

> "The boys would beat in history and mathematics any sixth-form boy at Eton; and indeed in history most men; they have such wonderful memories. They asked them to give an account of the first Syracusan war, of the Greek schools and their founders, when the Septennial Bill was passed, when the Limitation Peerage Bill was passed and why; what Pope thought of Dryden, what school of philosophy Trajan belonged to—in short, dodged them about in this way—and they gave the most detailed and correct answers. Ten years ago I suppose no Hindu could or would speak a word of English."[1]

The year 1818 saw the opening of the first missionary college at Serampore, in Danish territory. This was the undertaking of the indomitable Dr. William Carey and his colleagues, Marshman and Ward. The first-named had begun life as a cobbler and, as a Baptist evangelist, had been drawn towards India as a result of his conception of the obligation of the Church to that country. The story of his attempts to bring his fellow Baptists round to his way of thinking is well known and also how, in defiance of the regulations which required a Company license for all Englishmen living in India, he sailed away, full of zeal and hope, in a Danish East Indiaman in 1793.

While he had been dreaming of the work ahead in India, Carey had learned Latin, Greek and Hebrew; in later years he was to acquire an extensive knowledge of many Indian languages. On arrival in India he made several attempts to earn his living and eventually settled down as a factor on an indigo estate belonging to a broad-minded planter who allowed him the use of a printing press. In 1800 a Danish ship landed four other Baptist missionaries and, as they too had no licenses to permit them to reside in the Company's territory, they settled at Serampore. Carey joined this group and they began to establish the settlement which was to make missionary history. By 1806 their press was working in seventeen languages and translations of the Bible were being

[1] *Letters from India*, by Emily Eden, edited by Eleanor Eden, Vol. I, p. 221.

distributed as widely as financial resources would allow. In course of time, the Government recognised Carey's gifts and he was appointed to the staff of the College of Fort William (a college for the junior officers of the Company) as Professor of Bengalee and Sanskrit—and later of Marathi. The work of this evangelist will be referred to again later as he played a considerable part in the history of education and, through his colleagues, of the press in India.

Western India soon followed Bengal and the South in providing educational facilities but was, like the other provinces, handicapped by the poverty of the people. During a tour of Gujerat in 1824 Bishop Heber asked a Mr. Williamson, the Collector of the district he was visiting, about the state of knowledge in that province.

> "He said that there were large schools in most of the principal towns, where the children of the bunyans learnt writing, reading, accounts, and such portions of the national religion as their caste is allowed to receive. But there was no gratuitous instruction; and the ryuts from poverty, and the Coolie Thakoors from indifference, very seldom, if ever, sent their children. They had no objection, however, except that of expense; and he did not doubt that if Government, or any religious society, would institute schools, they would be attended with thankfulness and punctuality."[1]

Bishop Heber records, in other passages of his *Journal*, the foundation of new schools in Bombay which were attended by Parsee, Hindu and Muslim youths who were instructed in writing, reading, arithmetic, and English. They read the Scriptures as a text book without objection and their progress seemed highly creditable. Some of the new schools which were being opened were endowed by Hindu patrons. Bishop Heber, upon whose informative narrative we again draw, tells of a visit to Benares where he visited a college

> "founded lately by a wealthy Hindoo banker, and entrusted by him to the management of the Church Missionary Society, in which, besides a grammatical knowledge of the Hindoostanee language, as well as Persian and Arabic, the senior boys could pass a good examination in English grammar, in Hume's *History of England*, Joyce's *Scientific Dialogues*, the use of the globes, and the principal facts and moral precepts of the Gospel, most

[1] Heber's *Journal*, Vol. II, pp. 144–5.

of them writing beautifully in the Persian, and very tolerably in the English character, and excelling most boys I have met with in the accuracy and readiness of their arithmetic."[1]

The next constitutional milestone is the Government of India Act of 1833. This measure declared that no person by reason of his birth, creed or colour should be disqualified from holding any office in the East India Company's service. The Governor-General in Council of Bengal became the Governor-General of India in Council and the East India Company was required to close its commercial business in India.

In the occident many events had taken place which had the cumulative effect of broadening men's outlook on human rights; the American War of Independence, the French Revolution, the passage of the Reform Bill, Catholic Emancipation, the first vote in Parliament for education and the establishment of the penny post.

Carlyle, Tennyson, Browning and Dickens in England were already showing signs of their literary greatness. In France, Balzac and Victor Hugo were the outstanding figures in the world of letters, while in Germany fame had been achieved by Hegel with his *Philosophy of Religions* and by Goethe with his *Faust.*

[1] ibid., Vol. II, p. 388.

CHAPTER FOUR

CHRONOLOGICAL TABLE

1780 James Augustus Hicky starts the *Bengal Gazette.*

1780 November: B. Messink and Peter Reed establish the *India Gazette.*

1784 *Calcutta Gazette* started under auspices of Government; Pitt's India Bill.

1785 February: appearance of the *Bengal Journal.* April: *Oriental Magazine or Calcutta Amusement* published. October: *Madras Courier* founded.

1786 *Calcutta Chronicle* published.

1789 *Bombay Herald* begins publication; French Revolution.

1790 *Bombay Courier* established.

1791 *Bombay Gazette* founded.

1794 William Duane, journalist, deported from India to England.

1798 Charles Maclean, surgeon, deported for contribution to press.

1801 Union of Great Britain with Ireland.

1804 Napoleon crowned Emperor of France.

CHAPTER FOUR

FIRST INDIAN NEWSPAPERS

A CURSORY student of eighteenth century pay rolls in India might have been sceptical regarding the attractions of service in that country. Salaries were miserably low (sometimes only five pounds per annum), climatic conditions were wretched, and the expectation of life was short. Yet so anxious were young men to become "writers" in the service of the Company, that contemporary newspapers contain advertisements from aspiring candidates offering to pay premiums if such positions could be assured. The secret was that the Company permitted its employees to engage in trade on their own account by turning a blind eye on their private activities. Many fortunes were created in this way and so, indeed, were a number of unenviable reputations for corruption and coercion.

Trade was not, however, confined to servants of the Company who had secured licenses to reside in India. Often captains, pursers and stewards of the Company's ships would bring out their "little ventures" and all manner of goods would be offered for sale. In addition, there were some adventurous unlicensed merchants who were willing to take the risk of deportation and other hardships on the speculation of making a speedy fortune. Cowper's verse in *The Task* will be remembered:

"It is not seemly nor of good report
That thieves at home must hang, but he that puts
Into his overgorged and bloated purse
The wealth of Indian provinces, escapes."

These words were written about 1785 and reflected the growing doubts that had been passing in the minds of many English people regarding the immense fortunes which were known to have been made in India. Robert Clive, who had died by his own hand in 1774, had returned from his first administration in India with a fortune estimated at £40,000 per annum. His contemporary Richard Barwell, who was familiarly known as Nabob Barwell because of the ostentation of his wealth, was reputed to have amassed a fortune of £800,000. And when one remembers that

the Company enjoyed monopolistic trading rights, one cannot wonder at the indignation caused by these fortunes.

From some points of view, therefore, it is surprising that up till now no English newspapers had yet been established in India and that the European community relied entirely on newspapers sent from England—received, often, nine months or a year after publication. The Company certainly had printing presses. In 1674 Henry Mills was sent to Bombay by the Court of Directors with a printing press, types and a considerable quantity of paper. Then in July 16, 1753 it is stated in the Records that the printing houses were in a very bad condition and unfit for use. It was then agreed that the Company's Surveyor be directed to survey the printing houses and report to the Board on their condition and furnish an estimate of what he judged they would cost to put in repair.[1]

A printing press was in operation in Madras in 1772 and in 1779 an official printing press was established at Calcutta. The latter was under the direction of Sir Charles Wilkins who became known as the father of native typography in Bengal. At Hugly, in 1778, he had prepared the types for Nathaniel Brassey Halhed's *Grammar of the Bengal Language* and he taught the craft of type cutting to an Indian blacksmith named Panchanan.

There were also printing presses in northern India for, when the fortress of Agra was surrendered to the British army under Lord Lake in 1803, a printing press was included amongst the valuable property which was confiscated. The types were ready set for "some Oriental production" and the type was said to be excellent.[2]

The explanation of the delay in the introduction of English newspapers in India probably lies in the fact that the majority of the English residents were either convenanted servants of the Company or were connected with the Company in some other way as, for example, surgeons, lawyers, professional men of various kinds. It would naturally be their duty to keep the authorities informed of any information in their possession and, the community being a small one, news quickly spread by word of mouth. There was, of course, considerable interest in European events but this was to some extent satisfied by the receipt, though delayed, of newspapers from England. As, however, the

[1] Consultations, July 16, 1753, Vol. 2, p. 393.
[2] *Proceedings of the Bengal Asiatic Society*, May, 1861.

community gradually increased by the addition of "interlopers," identity of interest gave way to differences of opinion.

It is probable that the desirability of a newspaper, which would give expression to these differences was thought of in many quarters. But the first definite step towards the establishment of a newspaper seems to have been taken by Mr. William Bolts[1] who, in 1766, affixed the following notice to the door of the Council House in Calcutta and other public places:

> "TO THE PUBLIC
> Mr. Bolts takes this method of informing the public that the want of a printing press in this city being of great disadvantage in business and making extremely difficult to communicate such intelligence to the community, as is of the utmost importance to every British subject, he is ready to give the best encouragement to any person or persons who are versed in the business of printing, to manage a press, the types and utensils of which he can produce. In the meantime, he begs leave to inform the public that having in manuscript many things to communicate, which most intimately concern every individual, any person who may be induced by curiosity or other more laudable motives, will be permitted at Mr. Bolts's house to read or take copies of the same. A person will give due attendance at the hours of from ten to twelve any morning."

Bolts, who was a merchant of Dutch extraction, had been employed by the East India Company, but on being censured by the Court of Directors for his private trading under the Company's authority, he resigned in 1766. It was highly improbable, therefore, that the Company would approve of his intention to publish a newspaper and on April 18, 1767, it was recorded:

> "That Mr. Bolts having on this and many other occasions endeavoured to utter an odium upon the administration and to promote faction and discontent in the settlement, has rendered himself unworthy of any further indulgence from the Company and of the Company's protection. That therefore he be directed to quit Bengal and proceed to Madras on the first ship that was to sail from that Presidency in the month of July next in order to take his passage from thence to Europe in September."[2]

Thus was William Bolts, whose disputes with the Court of Directors were protracted, deprived of carrying out his intention

[1] Author of *Considerations on Indian Affairs* (1772); see *William Bolts: A Dutch Adventurer under John Company*, by N. L. Hallward.
[2] *Proceedings of the Select Committee of the Council at Fort William.*

to publish a newspaper and it was not until twelve years later that the first English newspaper was published by James Augustus Hicky. Entitled the *Bengal Gazette* or *Calcutta General Advertiser*, this journal, which first appeared on January 29, 1780, became known as *Hicky's Gazette*. Hicky was a printer by trade and he described himself as "the first and the late printer to the Honorable Company." In 1778, he had, with two thousand rupees, set up a printing establishment in Calcutta (after having spent some time in jail for the non-payment of his debts) and in 1779 he executed a commission for Sir Eyre Coote to print certain proceedings of Council, containing the Regulations for the army.

As for his newspaper venture, he explained, "I have no particular passion for printing of newspapers, I have no propensity: I was not bred to a slavish life of hard work, yet I take a pleasure in enslaving my body in order to purchase freedom for my mind and soul."

This somewhat florid phraseology is typical of Hicky's style as expressed in the columns of the *Gazette* (an incomplete file of which is to be found in the British Museum Newspaper Library at Colindale, and another in the Imperial Library, Calcutta), and in his correspondence with the authorities over the non-payment of his bill on account of the printing of the Military Regulations.

Although *Hicky's Gazette* consisted of only two sheets about twelve inches by eight, and much space was devoted to advertisements, it included comments on the private affairs of individuals which caused considerable annoyance. The paper had only been published a few months when news was received by Hicky that preparations were being made in other quarters to establish another newspaper and that the support of some of his subscribers was being sought by the promoters of the new concern. In a notice in his paper of June 17, 1780, Hicky trusted that his supporters would not be found to be playing "so vile a part."

It was clear, however, that the administration strongly disliked the existence of the journal which described itself as "A Weekly Political and Commercial Paper Open to all Parties, but influenced by None." Moreover, the authorities could hardly ignore the complaints which were reaching them of libellous attacks in *Hicky's Gazette*.

A reference to the newspaper shows that many of the insinuations were couched in an allegorical form, but it is not difficult to understand to whom the statements were meant to refer. As Hicky

was by no means cultured, it was suspected that Sir Philip Francis, Warren Hastings' inveterate enemy, was behind these attacks: it was certainly remarkable that Francis—whose record gave many opportunities—was never the object of Hicky's gibes. Even Francis' famous duel with Hastings which took place on August 17, 1780, was not dilated upon. Whoever the author, the Governor-General's indignation was roused by scurrilous allusions to Mrs. Hastings and he consequently promulgated the following order:

> "14th November, 1780.
>
> Public notice is hereby given that as a weekly newspaper called the *Bengal Gazette* or *Calcutta General Advertiser* printed by J. A. Hicky, has lately been found to contain several improper paragraphs tending to vilify private characters and to disturb the peace of the settlement, it is no longer permitted to be circulated through the channel of the General Post Office."

Hicky bitterly complained of the Governor-General's action and in the forty-fourth issue of his paper he declares that the order is the "strongest proof of arbitrary power and influence that can be given."

The Governor-General was not, however, the only victim of Hicky's attacks. Two days before issuing the notice prohibiting the circulation of the *Bengal Gazette* through the General Post Office, Warren Hastings had received a letter from Mr. Simeon Droz requesting redress for "the unmerited and intolerant abuse bestowed on me in a weekly publication of Mr. Hicky's paper." The correspondent declared: "I am convinced it is your wish to protect every individual residing under your Government who conducts himself with propriety and as Mr. Hicky himself is undoubtedly a British subject under your orders I flatter myself you will not permit such daring and wanton insolence to pass unnoticed. Give me leave to assure you, gentlemen, that Mr. Hicky is without a cause for this attack, for even the reason which he assigns for making it is not true. I have not been at all instrumental in encouraging a paper in opposition to his, but if I had, I could not be wrong. But I mention the circumstance to show how prone this man is to do mischief."[1]

Criticism of Hicky came from beyond Bengal, and on April 21, 1781, Colonel Thomas Dean Pearse, the Governor-General's friend, wrote to him from the Ganjam District of Madras:

[1] O.C., November, No. 1A, Home (1780).

"But I really wonder at your patience in suffering such a man as Hicky to publish loads of abuse every Saturday: we did not get the paper here nor have we for these six weeks. But we hear of his abuse from other quarters with the same expression of astonishment. It is true the man himself is not the author, but some pitiable fellow who dares not avow his insolence and wishes to stab in the dark. Yet still such a thing as that *Gazette* in such a place as this is not allowable: and such, good Sir, was my opinion when you too readily agreed to the first publication of a newspaper. I then told you that the year would not pass before it became the channel of personal and public abuse and so it is."

Another complainant was the veteran Swedish missionary, John Zachariah Kiernander, against whom Hicky had a grievance since he was the vendor of the types to the rival newspaper, the *India Gazette*. In a letter dated May 13, 1782, Kiernander wrote to Warren Hastings stating that Hicky had published "a most scandalous libel" against him in the *Bengal Gazette* of March 31, 1781, and that it was of such a nature that he was under the absolute necessity of refuting the allegations. This letter is now rotting with age but sufficient remains to decipher the fact that the alleged libel stated that Kiernander was prepared to offer the Main Church for sale. "Being conscious that he was innocent of this charge," Kiernander requested the Board to favour him with evidence concerning the matter so that he might print and publish it. In his reply to this request, the Governor-General declares that it does not appear that Kiernander ever made any offer of the Main Church for sale or hire to the Board. Nor did they (the Governor-General in Council) individually know that he ever had any such intention.[1] Eventually, the missionary brought a suit for libel and Hicky was sentenced to four months imprisonment and a fine of sicca Rupees five hundred, and imprisonment until the sum was paid.

One of Hicky's favourite methods of lampooning those he disliked was to publish a programme of an imaginary play or concert and to assign to his enemies parts which could only ridicule them in the eyes of the public. Their actual names were not, of course, given but the disguises were thin and it was not difficult to guess the identity of those thus slighted. By this method the *Gazette* no doubt enjoyed a certain amount of popularity amongst those who were, for various reasons, opposed to those in power.

[1] O.C., 13 May, No. 10, Home (1782).

The result of the Government's hostility was that Hicky became more abusive and bitterly attacked Warren Hastings and Sir Elijah Impey, the Chief Justice. In defence of his publications this turbulent editor wrote:

> "Mr. Hicky considers the Liberty of the Press, to be essential to the very existence of an Englishman, and a free G—t. The *subject* should have full liberty to declare his principels, and opinions, and every act which tends to *coerce* that liberty is *tyrranical* and injurious to the COMMUNITY."

In June, 1781, an armed band, including several Europeans, some sepoys and between three to four hundred peons, went to arrest Hicky under an order from the Chief Justice, acting under the Governor-General's instructions. He met force with force and on refusing to be taken away, undertook to attend the judge in court on being shown a legal authority for his arrest. But the court had adjourned before he arrived and he was imprisoned until the next morning when he appeared before the Supreme Court to answer two indictments lodged by Warren Hastings. He was unable to pay the Rs. 80,000 bail and was accordingly remanded in jail.

Hicky's imprisonment did not mean the extinction of his paper for he continued to edit the *Gazette* while in prison and even maintained the same tone. In January, 1882, Hastings returned to Calcutta after being absent in the North-Western provinces for some months and the case against Hicky was heard. It resulted in him being sentenced to one year's imprisonment and a fine of Rs. 2,000. On the second indictment, Sir Elijah Impey awarded Hastings damages to the extent of sicca Rupees 5,000 but this fine the generous proconsul eventually forgave.

In March, 1782, Hicky published the following statement:

> "Mr. Hicky addresses his citizens and fellow subjects with heartfelt joy, and tells them that on 7th March (1782) the King's judges inclined to admit him to plead *in forma pauperis* in defending four fresh actions brought him this term by Warren Hastings, Esq., and that Mr. Counsellor Davis (for plaintiff) did make a motion and plea in bar of Mr. Hicky's types being exempted from seizure, setting forth that the said printing types did form a great part of Mr. Hicky's property and hoped their Lordships would not protect the said types from being seized upon should judgment be obtained against him. This motion the honourable the King's judges strongly opposed as repugnant to the British Legislature and constitution and treated it with the

contempt it so very justly merited. Thus by protecting the types, they had protected the liberty of the subject and the liberty of the press."

Encouraged by this success, Hicky continued to assert that he was being unjustly persecuted by the Governor-General and the Chief Justice. The latter first knew Hicky when he was on the Western Circuit as a clerk.[1]

The opinion of a namesake, William Hickey, who was practising in Calcutta as an attorney at the time and whose *Memoirs* provide a vivid contemporary picture, is of interest.

> "The real fact was that this turbulent man having published various paragraphs in his famous newspaper reflecting in the strongest and most abusive language upon both the public and private conduct of the Governor-General, Mr. Hastings, that gentleman at last resolved to make an example of the author of such gross and indecent scandal by prosecuting him on the Crown and Criminal side of the Court for libels. . . . He (Hicky) was blessed by nature with considerable talent, but quite uneducated, violent in temper, especially when opposed or thwarted in any of his wild plans, to the highest degree."[2]

Hicky was undoubtedly vulgar, for he permitted, perhaps encouraged, the publication of insinuations which could only have been inserted in order to excite the lowest forms of interest. The frequent references to certain human frailties make curious reading when contrasted with the moral tone he was apt to affect. Nevertheless, Hicky possessed a doggedness and a persistence in the face of all calamities which speaks well for the trader-printer, turned journalist. A comparison between his brief career as a newspaperman and that of John Wilkes is perhaps inevitable; certainly the similarity occurred to Hicky himself. In one issue of the *Bengal Gazette* we find:

> "Comparison between Mr. Wilkes and Mr. Hicky. The case of Mr. Hicky is exactly similar to that of Mr. Wilkes; the one standing up for the liberty of the Press, the other for that of the subject. Junius makes the following just and elegant remark on the oppression of Mr. Wilkes, "that the rays of Royal Indignation tended rather to illumine than to destroy the persecuted object of it," etc., etc.

Notwithstanding his shortcomings, Hicky certainly deserves to

[1] See *The Story of Nandcomer and the Impeachment of Sir Elijah Impey*, by Sir James Stephen, Vol. I, p. 36.

[2] *Memoirs of William Hickey*, Vol. III, pp. 160–161.

be remembered as the pioneer of the Indian Press. How he ended his days is not known but from letters which are preserved at the Imperial Record Department in New Delhi it is obvious that his later years were spent in poverty and distress. Because so little is known of the first journalist in India and because they illustrate the difficulties of those who found themselves in opposition to the Company's methods, these letters are here summarised in some detail.

It was stated earlier that in 1779 Hicky printed certain proceedings of Council on a commission from Sir Eyre Coote, the Commander-in-Chief. Payment for this work was, apparently, never made, for six years later we find a certificate signed by Lt.-Col. Kyd, the Military Secretary, and dated Fort William, March 23, 1785, certifying that the late Commander-in-Chief in India, General Sir Eyre Coote, employed Mr. Hicky to print certain proceedings of Council in the year 1779 and that Hicky did send the printed and revised sheets of the proceedings to the Board.[1]

This certificate is followed in the Records by a letter dated May 31, 1785, from Hicky to Secretary Bruere enclosing his bill on the Honourable Company for printing their Regulations.[2] From subsequent correspondence it transpires that the bill was for sicca Rupees 35,092. Later, on June 4, there is a further letter from Hicky declaring that he "never did receive the value of a rupee from any person or persons for the Regulations." Secondly, he states the Regulations were delivered by his Bearer who (if required) was willing to make oath that he delivered them and saw them piled up in Mr. Turney's room in the house of the late Sir Eyre Coote. (Mr. Turney was the Commander-in-Chief's secretary.)[3]

Apparently the matter was not acted upon, for three years later there is a report from Secretary Hay, dated July 24, 1788.[4] The report states that on June 3, 1785, Mr. Hicky sent a memorial to the Governor-General in Council declaring that he was engaged by the late Sir Eyre Coote in 1779 to print the Military Regulations, that he employed people at considerable expense to print them and was obliged on this account to incur a debt yet unpaid, that the Regulations when printed were delivered at the house of the

[1] O.C., 3 June, No. 16, Home (1785), pp. 1589–1590.
[2] O.C., 3 June, No. 18, Home (1785).
[3] O.C., 7 September, No. 26, Home (1786).
[4] O.C., 22 August, No. 27, Home (1788).

Commander-in-Chief, that the bill for printing them was presented to Sir Eyre Coote who referred Mr. Hicky to Colonel Kyd that he might inspect and approve it, that Colonel Kyd declined this as he was not a proper judge of printing, that the bill was again referred to Sir Eyre Coote when he said in answer that the claim should be sent to the Governor-General. The report agrees that Hicky did not receive any money for printing the Regulations and that Sir Eyre Coote was not authorised by the Board to give the orders he did. There was, apparently, some doubt as to whether all the sheets were printed and the Board determined that Hicky should be called upon to prove the number of copies he printed of the Regulations, or any part of them, and to produce a copy, if he had one. On receiving satisfactory evidence of the work done, the Board said they would determine the price that ought to be paid and would overlook the fact that no authority had been given by the Board to Sir Eyre Coote to order the printing.

It appears that the Board then called upon Lt.-Col. Kyd to furnish all the information known by him bearing on Hicky's claim. In a letter, dated August 11, 1788[1] Colonel Kyd states that on the arrival of Sir Eyre Coote in 1778–79 the latter called for the Military Regulations then in force and, finding them very voluminous and comprising some hundred folio sheets, arising from orders having been amended, annulled and again revised in part, and no Digest having been published since that issued by Sir Robert Barker in 1769, he (Sir Eyre Coote) directed that a Digest be formed of the existing orders which would be free from the confusion and valueless state in which they were comprised. The Board approved. Colonel Kyd continues: "About this time Mr. Hicky set up a printing office and offered proposals for publishing a weekly newspaper and he had further informed me that he would undertake to print the Digest of the Establishment in six weeks or two months and desired I would enable him (Mr. Hicky) to print the Digest. This I did, by giving Mr. Hicky (I think) nine of the first sheets in succession as he called for them and of these Mr. Hicky sent me nine proof sheets very correctly done; but acquainted me that as he had pledged himself to the Settlement to furnish a weekly newspaper he could not then proceed any further but that at a future period he would endeavour to do it and requested me to give him a copy of the remaining part of the Digest. This I declined doing and wrote to Sir Eyre Coote through some of his family of Mr. Hicky's declining to proceed

[1] O.C., 22 August, No. 26, Home (1788).

in the business in the manner Sir Eyre Coote acquainted me he had undertaken to do it."

Colonel Kyd then adds that he did not know if Hicky had made any application for payment to Sir Eyre Coote. In 1782, however, Colonel Kyd learned from an application for information respecting the matter that Mr. Hicky had applied to Sir Eyre Coote for payment, but he was ignorant of the nature of Hicky's subsequent applications to the Government or whether he received anything from Sir Eyre Coote. But "if he has not, it appears to me a great hardship in Mr. Hicky's not having been paid for what he did perform. However, I have little doubt that Sir Eyre Coote intended from the beginning to have defrayed this charge either by public application to the Board or from the contingent funds incident to the office of Commander-in-Chief then held by him."

Nothing seems to have been done for four years, for the next letter is from Hicky to Secretary Hay and is dated October 30, 1792.[1] The handwriting is very shaky and Hicky says that he has been attacked with another fit of his disorder. Apprehensions of his being "carried off in convulsions" obliged him to beg that Mr. Hay would be so humane as to lay his bill before the Governor-General for the sake of his (Hicky's) children. Six months later (on April 24, 1793) Hicky again addresses Secretary Hay and says that "as the Marquiss Cornwallis will soon take his departure for England I am anxious to hear what has been done respecting my bill." He adds that in his Memorial he had stated every particular in the clearest manner and had also furnished the particular voucher which the Board requested and accompanied it with every other voucher that could possibly be required. "From the well-known good things of your heart it would be needless to say any more to you on the subject of getting my business done as quickly as possible, than to inform you that I am at this present moment confined to my room and in the utmost distress with a family of helpless children."

Hicky then sends two reminders to Edward Hay.[2] He says, apologetically, that he is convinced that nothing but the great hurry of business has been the cause of his not having received an answer to his last two letters. He enquires whether it would be necessary to address his Lordship with a short memorial as he was apprehensive that his business had been forgotten by the pressure of business of greater importance.

[1] O.C., 2 November, No. 30, Home (1792).
[2] O.C., 26 July, No. 15 and 16, Home (1793).

The next we hear of the matter is a letter from W. Jackson, the Company's Attorney, to Mr. Colin Shakespear, Sub-Secretary in the Public Department, in which he acknowledges the receipt of a letter communicating the commands of the Governor-General that he should acquaint Hicky that a sum not exceeding sicca Rupees 6,711 would be paid to him upon his giving a full acquittal of all demands on the Government and further to inform him that should he imagine he has a right to more than the sum offered he is at liberty to assert his claim either in the Supreme Court or in any other mode that may seem to him best calculated to obtain the object of his application.[1]

Considering his financial distress, Hicky was hardly in a position to accept the proffered advice! Instead, he replied that he wished to be informed by what calculations or Rule it was that the Honourable Board had made out so trifling a sum as they had thought proper to allow him for the printing and paper of their Military Regulations.[2] He points out in a further letter that the printing of 16,800 sheets at Rs. 2 a sheet, together with the cost of paper and sundry other printing charges cost sicca Rupees 35,092. To his sum he adds "two to three years' interest out of four, allowing the Company one year, at 8 per cent. per annum: sicca Rupees 8,422–1–3." His total bill was, therefore, sicca Rupees 43,514–1–3.[3] No wonder he was dismayed at the paltry sum offered by the Company!

On June 25, 1793, Hicky again addressed Secretary Hay, asking for payment of his bill and saying "if his Lordship (Cornwallis) did but know the one half of the distress of myself and my children he would order my bill to be paid." He concludes: "Relying on your humanity on doing everything in your power to serve me and my children."[4] But his situation becomes even more perilous and nearly two years later, on February 15, 1795, we find him again writing to Hay requesting payment of his bill and informing him that "as there is a demand on me for a large sum of money and if I am not able to discharge it before a certain time" he would be sent to jail.[5]

A few days later (February 25) Hicky sent a memorial to the then Governor-General, Sir John Shore, praying for the payment

[1] O.C., 12 August, No. 17, Home (1793).
[2] O.C., 12 August, No. 19, Home (1793).
[3] O.C., 25 February, No. 23, Home (1793).
[4] O.C., 28 June, No. 12, Home (1793).
[5] O.C., 20 February, No. 18, Home (1795).

of his bill in full.[1] But the poor old man had now come to the end of his tether and in a letter to William Jackson, the Attorney to the Honourable Company, dated February 27 he says he will accept the sum of sicca Rupees 6,711 as he is "much pushed for money."[2] In a further pathetic letter of March 2 he declares that "being in danger of losing my liberty and being otherwise very much distressed, I am willing to accept what the Honourable Board offers which, if paid me by this time to-morrow, may save me a very considerable expense and trouble."[3] And the miserable episode of the pioneer Indian journalist's attempts to have his rightful dues met by the Company ends on March 7, 1795, with a letter from William Jackson to Sub-Secretary Colin Shakespear transmitting the general release executed by Hicky.[4] The unfortunate printer-journalist had waited sixteen years—only to have his claims whittled down to a fraction of his demands.

Time had wrought its effect both on Hicky's turbulence and his memory for there are two letters in the Warren Hastings Correspondence[5] from the erstwhile editor asking for help. One is dated 1793 (eight years after Warren Hastings had left India) and the other 1800. Apparently forgetting the wrath he caused the Governor-General, Hicky requests him to use his influence to get him appointed deputy to the Clerk of the Calcutta Market. There is a small money allowance attached to the post and as the present incumbent is old and rich, there is a possibility of succeeding him and so enabling Hicky to support his family. His only alternative is to try to get a post as surgeon on an Indiaman which will give all his family a free passage to England.

This is the last we can trace of the sometimes audacious but more often pathetic Hicky; he dared much and lost much but his name lives.

The second Indian newspaper, the *India Gazette*, has already been mentioned; it was established in November, 1780, by B. Messink, who was connected with theatrical companies, and Peter Reed, a salt merchant. These gentlemen had keen eyes for business, for prior to the publication of the paper they wrote to the Governor-General and Council as follows:

[1] O.C., 20 February, No. 19, Home (1795).
[2] P.P., March, 1795, p. 547.
[3] P.P., March, 1795.
[4] O.C., 13 March, No. 23, Home (1795).
[5] British Museum.

To The Hon'ble Warren Hastings, Esq., Governor-General;
And the Council at Fort William,
Calcutta, October 4, 1780.

Hon'ble Sir and Sirs,

Understanding that our plan of an intended publication of a newspaper has met with the favor of your approbation, we are encouraged to take the liberty of requesting the additional one of your further patronage; by granting us permission to send it to our different Subscribers, out of Calcutta; by the Dawk, free of Postage; on our paying annually to the Postmaster-General such a certain sum as you shall think proper to direct; we likewise engage that no other article or writing whatsoever shall go under the said Cover with the newspaper, or newspapers, and that each cover shall be endorsed *India Gazette*; as well as seal'd with our joint names in Persian: or indeed complying with any regulations you may be pleased to order.

We also humbly beg leave to take this opportunity of soliciting the favor of our being appointed Printers to the Hon'ble Company, at Calcutta; which should you think proper to confer, it shall be our study and endeavour to do our duty; by executing with correctness and dispatch, all orders sent to our care.

We have the honour to be with the greatest Respect,
Hon'ble Sir and Sirs,
Your most obedient and humble servants,
B. Messink
Peter Reed.

In February, 1784, the *Calcutta Gazette*, a quarto size publication, was established under the patronage of the Government whose official gazette it still is. The *Bengal Journal* appeared in February, 1785, and in April the same year, the *Oriental Magazine, or Calcutta Amusement* was published as a monthly paper. Then in January, 1786, the *Calcutta Chronicle* came into being. Thus five newspapers were founded within the few years following Hicky's pioneer attempt.

Thomas Jones, the proprietor of the *Bengal Journal*, was also a business man, for on March 15, 1785, he writes to the Supreme Council proposing postal concessions for his paper. He also suggests that he would print any Government advertisement, which the Board might think proper to order, free of charge.[1]

The administration was now realising the utility of newspapers and on October 14, 1786, James Hatley, Secretary at Bombay, writes to Secretary Bruere at Fort William stating, among other things, that the Hon'ble the President in Council had directed him

[1] O.C., 9 May, No. 36 (1785).

to desire that he (Bruere) would request the Hon'ble the Governor-General in Council to order the printers of the *Bengal Gazette* (the official publication) to send those papers to them regularly by such opportunities as may offer by land or sea from the time the Governor-General in Council first published the orders of their Government in those papers.[1]

Somehow, the newspapers were securing the resolutions and minutes of the Council for, on April 21, 1785, the editors of the various newspapers were called upon to acquaint the Board by what authority they published the orders and resolutions of Council under the title of "General Orders." They were further informed that if they persisted in publishing these documents steps would be taken to put an end to the practice.[2]

A few months later (October 12, 1785) *The Madras Courier* was founded by Mr. Richard Johnston, the Government's printer. The paper was officially recognised and the Government notifications which had previously been posted at the Sea Gate were now published in the *Courier*. The order embodying this decision ran as follows:

> "Ordered that the following resolution be published in *The Madras Courier*: It has been resolved and ordered that all advertisements which appear under the official signature of either of the Secretaries of this Government, or of any other officer of Government properly authorised to publish them, in the *Madras Courier* are meant and must be deemed to convey officially and sufficient notification of the Board's orders and Resolutions in the same manner as if they were particularly specified to any servants of the Company or others to whom such Orders and resolutions have a reference."[3]

The paper, which consisted of four pages, was published weekly and was allowed to circulate through the postal system free of charge within the Presidency, the price of each copy being one rupee. Extracts from the English papers provided material for two pages, letters to the Editor and Indian news another, and the fourth page was composed of poetry and advertisements. The Government continued their approval of the paper and in March, 1786, recommended that new presses, types and materials, which Richard Johnston had ordered from England, should be permitted by the Honourable Court of Directors to be transmitted to India

[1] O.C., 8 December, No. 16 (1786).
[2] P.P., 21 April, No. 808 (1785).
[3] P.C., Vol. CXXXVI, 11 November, 1785.

free of duty. The editor of the paper in 1789 was Hugh Boyd, who was suspected by some of being the author of the *Letters of Junius*, a reputation which he probably enjoyed since he did little to discourage it. Boyd served the Company as Master Attendant. In 1791 he resigned from the editorship of the *Courier* and two years later established the *Hurkaru* (or *Hircarrah*). He died, however, the following year.

The early Madras press was constantly in trouble with the authorities. On October 12, 1791, the Directors of the Danish East India Company at Tranquebar complained to the Madras Government regarding an insertion in the *Madras Courier* of the 29th September which "placed their Company in a very prejudicial light to the public" and requested that the offensive paragraph might be contradicted under the authority of the Government. On reference being made to the item complained of it was discovered that it had been inserted among other extracts from the English papers and that it had not originated with the editor of the *Courier*. It was therefore suggested to the Danish authorities that they should prepare a counter statement which was inserted in the *Courier* by order of the Governor in Council of Madras.[1]

About the same time, Mr. Landon, a civil servant of the Company at Madras, complained to the Government regarding a libel on him which had appeared in the *Madras Courier*. Mr. Abbott, "the ostensible editor" of the paper was called upon to explain and he referred the Government to the real editor, Mr. James Stuart Hall, who disclaimed any intention of casting any reflection on Mr. Landon and, consequently, apologised.[2]

A new paper appeared in January, 1795, the *Weekly Madras Gazette*, established under the management of Mr. R. Williams. The proprietors of the *Courier* protested to the Government against the establishment of another printing press since it was likely to prejudice the interests of the first company. The new concern, however, was anxious to introduce Persian and other Oriental types and eventually the Government distributed their work between the two presses.[3]

On April 2, 1795, the first number of a paper called the *India Herald* was published at Madras, without the authority of the Government, by a Mr. Humphreys, who did not hold the Company's license. He had previously made an application, in

[1] *Home Miscellaneous Series* 535, pp. 161–3 and No. 539, pp. 1–51.
[2] ibid., pp. 163–9 and No. 539, pp. 215–24.
[3] P.C., Vol. CC, CCI and CCIV, May–November, 1795.

September, 1794, to publish a paper at Madras but permission was refused, and the unauthorised paper was the result. According to the Government, the *India Herald* contained "several gross libels on the Government and on the Prince of Wales" and it was resolved to arrest and send Mr. Humphreys to England. He was, indeed, arrested but he escaped from the ship on which he was embarked.[1]

Censorship was now being introduced and on December 12, 1795, the editor of the *Madras Gazette* was prohibited from publishing copies of the General Orders of the Government until they had been submitted for the inspection of the Military Secretary.[2] Four years later, on June 29, 1799, it was directed that all newspapers should be submitted to the inspection of the Government previous to their publication. Mr. Webbe, Secretary to the Madras Government, wrote to the editors of the *Courier* and *Gazette* as follows:

> "The Right Hon. the Governor-General in Council has been pleased to resolve that the newspapers at this Presidency shall be submitted to the inspection of the Secretary to Government before their publication. I am, therefore, directed to desire that they may be regularly sent to my office for that purpose, according to the practice observed upon the first establishment of your Paper."[3]

About the same time the free postage facilities were withdrawn from the newspapers and on the proprietors of both the Madras papers protesting against the pre-payment of postage, the Government agreed to the levy of the prescribed fees on delivery.

Although Bombay came under English domination earlier than either Bengal or Madras (in 1661 when the island was ceded by Alphonso VI of Portugal as part of the dowry of his sister, Catherine of Braganza on her marriage to Charles II) the first English newspaper there did not appear until 1789. This was the *Bombay Herald* which was a weekly. The following year the *Bombay Courier* was founded by Luke Ashburner, an Alderman of the Mayor's Court of Bombay. The *Courier* (which is now represented by the *Times of India*) published advertisements in Gujerati printed from the founts moulded by a Parsee printer, Mobed Jijibhai Behramji Chapgar.

In 1791 the *Bombay Gazette* appeared and in June the editor

[1] *Home Miscellaneous Series* 535, pp. 169–70 and No. 539, pp. 53–157.
[2] ibid., pp. 172–3 and No. 539, pp. 159–60.
[3] *Indian Records Series*, Vestiges of Old Madras, Vol. III, pp. 569–70.

promised to pay attention to every order of the Government.[1] By September 28 he was in difficulties with the Government as some comments were made by the paper on the state of the police which were considered to reflect unjustly on Mr. Anderson, the Deputy of Police. As a result, the Government expressed its disapproval and desired the editor in future to send proof sheets of the paper to the Secretary for the inspection of the Government.[2] The following month the editor of the *Bombay Gazette* requested that his paper should be officially authorised by the Government, as the *Madras Courier* had been, to which proposal the Government agreed. In consequence, the *Gazette* became known as the "Government Paper."

In 1792 the *Bombay Herald* and the *Bombay Gazette* were amalgamated. By September we find the proprietors of the latter paper writing to the Government saying that they had incurred heavy expenses to make the paper "subservient to the purposes of Government" and requesting that they should be given the exclusive patronage of the Government. This request was complied with and the Government published a declaration to the effect that publication in the *Bombay Gazette* of the Board's Notices, Orders and Resolutions was to be considered a sufficient notification thereof to any servant of the Company.

Newspapers were now becoming useful to the Government for record purposes and on July 13, 1793 we find John Morris, Secretary at Bombay Castle, writing to Secretary Hay at Fort William, and forwarding two copies of the *Bombay Courier*. He states that the paper will be regularly transmitted and "as it may be very useful to have a set of Government newspapers from Bengal, the Hon'ble the President in Council has directed me to apply to you for the same to be sent hither weekly by the post."[3] The Bombay authorities were, as we have seen, already receiving the official gazette of the Bengal Government.

What a source of interest these early newspapers must have been! We find that news of debates in the House of Commons generally takes pride of place though discussions are not reported for some six months after they have occurred. As soon as the mail boats were signalled, representatives of rival newspapers would engage fast rowing boats in the attempt to be first on board and thus be enabled to present the latest intelligence from London and the continent to an eager, waiting public.

[1] *Home Miscellaneous Series* 535, pp. 203–4, and No. 539, pp. 327–39.
[2] ibid.
[3] O.C., 9 August, No. 5 (1793).

Apart from Parliamentary reports, there were editorials on subjects of interest to the resident Britons; on events in England, on the army, on the reported plans of Indian rulers. In addition to this type of information we find news letters and reports from Paris, Stockholm, Vienna, Madrid, China, Rio Janeiro, and other centres of interest. Indeed, most of the features which enliven the press of to-day are to be found in the eighteenth century newspapers. There are letters to the Editor, Government notices, social news, "Poets' Corners," advertisements and even fashion notes.

The social news includes lists of arrivals and departures in the British community and announcements of births, deaths and marriages. One cannot fail to be struck by the number of children who seemed to die in infancy and the fact that the average age of death of Europeans appeared to be between twenty to thirty years. This was not entirely the result of climatic conditions as Lord Curzon testified. In his work *British Government in India* he remarked:

> "Cornwallis did however, both by precept and example, bring about one very desirable change in the moral standards of the time. Before his day there was very little dancing after supper, because the gentlemen were usually too intoxicated to stand upright. Indeed Hickey's and all contemporary memoirs reveal a universal habit of drinking which would be deemed inconceivable now, and which must have accounted in large measure for the sudden or premature deaths that were then so common. However, under Lord Cornwallis the Indian newspapers remarked that the young bloods who had previously remained at the supper table returned to the ball room, so that the ladies had all due respect. There was also a great diminution in gambling, and a consequent falling off in the number of duels and suicides in the British community."[1]

Advertisements cover a wide field from lotteries, houses for sale, choice Madeira wine, to "several dozens of Black Wood Chairs of very handsome pattern." An issue of the *Bombay Courier* of the decade contains an appeal for subscriptions towards the publication of a new edition of Shakespeare's works. Another announcement reports the opening of a school in the Garrison for the education of children in reading, writing and arithmetic where "the greatest care will be taken of them and the strictest attention paid to their Morals."

As for fashion notes, here is an extract from the same journal.

[1] Vol. I, p. 206.

It is headed "New Fashions at Paris. For Ladies" and declares:

> "Coloured felt hats are now the prevalent faſhion; they paſſ for full dreſſ. They are either of a grey or violet colour, with a bow of ribbands, 'as you like it' (*ad libitum*). The green and Carmelite ribbands are the moſt faſhionable. On the top a cockade of ribband of the same colour, White lawn kerchief.
>
> A jacket of taffeta, with white and violet stripes behind; and on the wriſts round plaits of green ribband. Stomacher laced with green.
>
> Lawn petticoat bordered from below with round plaits of green taffeta.
>
> Green fan.—Green morocco shoes."

Supplements were published when the reports from London were too long for the usual four pages which were, on an average, eleven inches by eighteen. For example, supplements were issued for the parliamentary debate on the Quebec Bill and for the debate on the Impeachment of Warren Hastings.

A modern reader of the early Indian Press may remark that the newspapers appeared to devote scant attention to the land in which they were published. This was so and the fact can only be understood if we constantly remind ourselves that the *raison d'être* of this press was as a vehicle of comment on the British administration of the day by those who were outside the privileged circle of the Company's higher officers. There is evidence that, though the administration was jealous of its privileges and thoroughly disliked the idea of outsiders making criticisms, it paid due attention to any alleged abuses. For example, in the Home Department Records for 1789 there appears a note covering an extract from the *Bengal Journal* of May 29. The paper says "We think it is our duty to lay before the public the following fact which we are sorry to say has been fully verified to us by a Gentleman of the first integrity." The information refers to a mariner who took on board at Tullah one hundred and fifty unhappy children whom, previous to his departure, he had purchased in Bengal. The children were transported under British colours to Colombo where they were sold as slaves. The Dutch Governor refused to permit their being landed, but the mariner slave-dealer eluded the vigilance of the Governor and found a market for the children.

As a result of the publicity given to this outrage, the Board instructed their Attorney to examine the officers of the ship concerned. The matter was fully investigated and, presumably,

suitable measures were taken against the captain of the ship.[1] Thus it cannot be said that the press was entirely without influence on matters connected with the welfare of those who were being governed.

In a somewhat half-hearted way the Company was also trying to encourage learning, for the Board had supported John Gilchrist's *English and Hindustanee Dictionary* by purchasing three hundred copies. The author was, however, considerably out of pocket over the endeavour and on April 12, 1791, we find him writing to Secretary Hay saying that the work had incurred him in a loss of twelve thousand rupees and adding that he can reduce his debt to the printer if the Board would advance ten rupees on account of each of the three hundred copies which had been delivered to the Hon'ble Company's order.[2] Trading companies are not, however, the sponsors of learning and Gilchrist's experience was to be repeated throughout the history of the Company's rule over India. Great were the risks undertaken by those who wished to plough fresh fields, without the official protection of the Company.

Some idea of the hazards of newspaper proprietorship in the eighteenth century may be gauged from the experiences of William Duane, a native of North America of Irish ancestry.[3] Duane had arrived in Bengal in 1787 as a private in the service of the East India Company. He was a printer by trade and between 1788 and 1791 he was employed in the Revenue Department in Calcutta. In the latter year he entered into partnership with two "gentlemen of the bar," Messrs. Dimkin and Cassan, and became the editor of the *Bengal Journal*.

At this time the Mahratta War was in progress and the Governor-General was campaigning. No despatches had arrived from him for some time and a rumour was spread in Calcutta that Lord Cornwallis had died. Duane published this rumour and added that it had been attributed to a certain distinguished Frenchman. Immediately, Colonel de Canaple, who was styled the Commandant of the Affairs of the French Nation in India, assumed that the reference must be to him and he wrote to the Bengal Government demanding satisfaction. When the Government discovered the writer of the paragraph in question, Duane was instructed to make all reparation to the French colonel.

[1] Home Records, May 29 (1789).
[2] P.P., 12 April, No. 2 (1791).
[3] *Home Miscellaneous Series*, No. 535, pp. 7–13, and No. 537, pp. 1–227.

The latter demanded an abject apology and withdrawal, whereas Duane was willing to insert a contradictory paragraph. He sent a précis of the interview he had had with Colonel de Canaple and his agent to the Government who took a serious view of the matter.

Lord Cornwallis, it will be recalled, was the first Governor-General to be sent from England and the problems which fell to him to solve were vast; he had not only to consolidate the Company's conquests but also to reform the administration in such a manner that it would no longer be held in suspicion and contempt. He was not willing, therefore, to grant toleration to any person who might stand in the way of the accomplishment of so formidable a task—and the creation of any unnecessary friction with the French was so regarded. He, therefore, consulted the law officers on his power to deport Duane and subsequently ordered his arrest and transportation. Duane filed an application in the Supreme Court for a writ of habeas corpus which was in effect granted though the Supreme Court unanimously recognised the right of deportation asserted by the Government. What saved Duane was the intercession of M. Fumeron, the French Agent, who pointed out to the Government on November 1, 1791, that Colonel de Canaple had died and that the journalist had already been punished for his misdemeanour. The Government thereupon agreed to revoke the order for the embarkation of Duane; he subsequently established *The Indian World* and, in his own words, "for three years the tide of prosperity never ebbed."

The Irish-American possessed a lively personality and after three years he was in trouble again. Writing to J. Addison, a clerk to the Court of Requests, on March 10, 1794, he states that a constable from the Court of Requests came to his house that morning to seize upon him with two warrants. He did not think it prudent to resist though the warrants were in the names of parties part of whose claims he had already paid and which he intended to go on paying.[1]

Worse was yet to befall Duane who attributed the outrages to his journalistic disclosures. Writing to Secretary Hay on March 14, 1794 he requests that the Governor-General in Council be informed that he has just been taken by force from his dwelling house by a body of persons armed with clubs, and *chubdars* headed by a European by whom he was dragged by the hair of his head out of his own house and along the street to the house from

[1] O.C., 7 April, No. 29, Home (1794).

which he is now writing, which he understands to be the Petty Court or Court of Requests for the town of Calcutta.

In a frenzied handwriting, Duane declares that the pretext for the outrage is a debt, with costs, which he had agreed to pay and for which he had accordingly laid by the instalments at the periods proposed by him and accepted from time to time. But the real cause of the outrage, he indignantly adds, he was not acquainted with "unless it arose from some personal pique for matters that had appeared in my paper relative to the enormous abuses and peculations of this Court and my having expressed my surprise some time ago that for debts to the amount of a hundred rupees the costs should amount to fifty rupees." With a final flourish, he ends in desperation, "I remain (in custody) contrary to law, Your most obedient servant, William Duane."[1]

The Government deeply resented Duane's journalistic activities and would have gladly seen the demise of his paper. According to Duane: "Subscribers to my paper apologised for withdrawing their names, the alternative had been given to them of relinquishing that or the goodwill of persons in power, tradesmen attached to me by personal regard, were compelled to withhold their advertisements, they were told that to advertise with me would be to ensure the loss of custom of the same persons and all their friends; the military, where my most numerous attachments lay, were in like manner attempted but not with the same effect. . . ."[2]

On June 2, 1794, a body of armed sepoys broke into Duane's house and searched its contents. In the meantime he had filed a complaint in the Supreme Court and asked the Court to inform him of the cause of its resentment against him. To this request he received no reply but, instead, an intimation that it was the pleasure of Government that he should proceed to Europe on the next boat.

Sir John Shore, who had succeeded Lord Cornwallis in 1793, was now determined to deport Duane. As the latter's property had greatly depreciated as the result of his struggles with the Government and the expulsion order which had hung over his head for so long, he desired an opportunity of presenting his case personally to the Governor-General. In particular, he wanted a longer time in which to settle up his affairs before being sent to England. He therefore wrote to the Governor-General's private secretary and threatened that if he were not granted an audience with Sir John

[1] O.C., 14 March, No. 34, Home (1794).
[2] *Home Miscellaneous Series*, No. 537, p. 207.

Shore, he would publish his case, copies of which had already been printed.

The appeal was made to the military, whose interests Duane declared he had supported. As soon as the Governor-General perused the publication he determined to act quickly. Duane was requested to call at Government House and on arrival was met by the Governor-General's private secretary and, after an acrimonious conversation, seized by armed guards and detained in Fort William for two days. He was then taken aboard an armed Indiaman, and three orphan children, of whom he was the guardian, were allowed to accompany him to England as charter party passengers. His property in India, for which he received no compensation, he stated to be worth Rs. 30,000 and though he protested to the Court of Directors after his liberation in England, it was of no avail. Duane afterwards went to America and, at Philadelphia, became the editor of the *Aurora*. His editorship of that paper is chiefly remembered for the extremely anti-British policy which he, not unnaturally, pursued.

Explaining his action in a private and secret letter, to the Rt. Hon. Henry Dundas on December 31, 1794, Sir John Shore wrote:

> "Our newspapers in Calcutta have, of late, assumed a licentiousness too dangerous to be permitted in this country. I have ordered one of the editors to be sent to Europe. His name is William Duane, and I think, you will agree with me, that his conduct did not entitle him to the protection of the Company."

The Supreme Court of Judicature upheld the Government's order and thus set the precedent for expulsion for press offences.

The newspapers of this time, as indeed for many years to follow, were mainly concerned with military matters. It is hardly surprising, therefore, that since the Company was fighting with all its resources for supremacy in India, it should regard any public discussion of military affairs as highly objectionable and dangerous to their interests. Indeed, between 1791 and 1798, several editors were reprimanded for discussing military subjects and a captain was ordered home and reduced to half-pay for writing what was considered an inflammatory address to the army.

The official records show that on several occasions the Government took exception to newspaper disclosures. In 1796, Holt McKenly, the editor of the *Telegraph*, displeased the authorities by publishing an article alleging that a gentleman in office had extorted excessive discount (*batta*) on the exchange of gold mohurs

for silver. Called upon to explain the grounds on which the assertion had been made, McKenly replied that it had been inserted on the authority of Mr. Hair, the proprietor. The latter, however, denied that he was the author of the paragraph in question.[1]

Later in the same year the editor of the *Calcutta Gazette* was censured for having referred to certain communications which had passed between the Court of Directors and the French Republic. Mr. Horsely, the editor in question, asked for pardon and, on promising to refrain from publishing such articles in future, the matter was allowed to rest.[2]

About this time, that is to say in 1796, a letter appeared in the *Telegraph*, signed by "Mentor" (who was discovered to be Captain Williamson of the Bengal Establishment) which was thought to have the effect of causing discontent and disaffection in the Indian Army. The author was suspended the service for his temerity, though the Court of Directors subsequently gave him the half pay of his rank, on consideration of the fact that Williamson had claimed mental derangement, as a result of illness, when the letter was written.[3]

In 1798, Charles Maclean was the editor of the *Bengal Hurkaru*. In a letter of that year, dated July 21, Maclean writes to the Postmaster-General acquainting him that certain letters addressed to him (Maclean) had been detained at the Post Office and that he would be under the necessity of "exposing the extraordinary conduct of the people who are employed in that department." Government officials have ever been alert to defend their positions and three days later we find the Postmaster-General writing to Secretary Barlow complaining of a paragraph in that day's *Bengal Hurkaru* which, he says, reflects most unjustly on the conduct of the person in the General Post Office. According to the Postmaster-General, the *peon* in the Post Office had informed Mr. Maclean, in accordance with his instructions, that until he paid his arrears of postage (letters were paid for *on receipt*) two letters addressed to him would not be delivered. Whereupon, Maclean is said to have beaten the *peon* and turned him out of the house, though soon after he sent the arrears of postage due and sufficient money to pay for the two letters.[4]

[1] *Home Miscellaneous Series*, No. 535, pp. 13–15, and No. 537, pp. 227–237.
[2] ibid., pp. 16–17, and No. 537, pp. 239–246.
[3] ibid., pp. 17–19, and No. 537, pp. 247–87.
[4] O.C., 30 July, No. 19, Home (1798).

Two further instances of conflicts with the postal authorities are recorded in the official papers. On July 30, 1798, a joint letter is addressed to the Governor-General (Lord Mornington: after Lord Wellesley) signed by John Maxwell, for the proprietors of the *India Gazette*, by T. A. Humphreys for himself and the other proprietors of the *Asiatic Mirror*, and by Messrs. Thompson, Ferris and Greenway, proprietors of the *Morning Post*, intimating that the recent increase in postage, which had been levied on July 15, would operate as a bar to the circulation of their papers beyond Calcutta. The signatories request that a newspaper might be allowed to count as a single letter and add that they make their appeal on behalf of the proprietors of other newspapers in Calcutta.[1] (There are, indeed, voluminous records of correspondence between newspaper proprietors and the authorities over the question of postage but except when special significance is to be attached to this aspect of the press, it is not proposed to deal with it in this study.)

On another occasion the Postmaster-General (Sir Charles Blunt) defends a subordinate. Writing to Secretary Barlow on April 29, 1799, he states that Mr. Jones, Head Clerk of the General Post Office at Calcutta, had been most unjustly accused by Mr. McKenly, the editor of the *Telegraph*. The editor, apparently, had a servant who used to give secret information to his employer whenever he (McKenly) received any mails from Madras or Bombay. Immediately on receipt of such information McKenly would write to the Postmaster-General asking him to deliver his mails. Normally, these requests were acceded to by the post office authorities. One day, however, McKenly addressed a note to the Postmaster-General asking him to deliver his mails and specifying Bombay and Madras papers. Suspecting that McKenly had some secret source whereby he used to get advance information about his mails, the Postmaster-General refused the request. The next day an accusation against the Postmaster-General appeared in the *Telegraph*. In submitting that the Government should take a strong line, Sir Charles Blunt suggested that the proprietors or editors of newspapers should be informed that the only mode of obtaining redress against any officer in the General Post Office was by application to the Government and not by the ventilation of grievances in the newspapers.[2]

Once more the *Telegraph* was in trouble when the editor published a letter signed by Charles Maclean, a surgeon in the

[1] O.C., 6 August, No. 32 (1798).

[2] O.C., 29 April, No. 15 (1799).

East India Company's service, reflecting upon the official conduct of Mr. Rider, the Magistrate of Ghazepore. Both the editor and Maclean were called upon by the Government to make an apology to Mr. Rider; the former complied but the latter refused and was sent to England. Maclean had, on a previous occasion, come into conflict with the authorities by leaving the ship to which he was attached as surgeon and remaining in India without permission. It is not surprising, therefore, that the Court of Directors fully approved of his deportation.[1]

Lord Wellesley explained his action against Maclean by saying that he and the editor had "assumed a privilege of animadverting, through the medium of a public print, upon the proceedings of a Court of Justice, and of censuring the conduct of a public officer for acts done in his official capacity." But Maclean, on his return to England, wrote a pamphlet called *The Affairs of Asia*, in which he described Wellesley's action as "the *ne plus ultra* of human despotism."[2] Subsequently, he participated in the campaign against Wellesley which eventually led to the Governor-General's resignation in 1805.

Leicester Stanhope describes this episode in the history of the press from the point of view of one convinced of the desirability of its freedom.[3]

> "Mr. D'Aguilar and Mr. A. Maclean were partners in an indigo work, near Gauzepore. These gentlemen quarrelled about their concerns, and a fray took place, in which Mr. Maclean struck Mr. D'Aguilar on the nose. Mr. M. then offered *satisfaction*, but Mr. D. rode off to a magistrate, and swore the peace against him. The magistrate, though no justice of the peace, and without even hearing what Mr. M. had to say, and refusing to admit him to bail, committed him to prison. The magistrate then wrote to the appeal judges at Benares, who had no right to interfere, for instructions how to act. Mr. Treves, one of these judges, signed a letter, ordering the magistrate to send Mr. M. in confinement, to Calcutta. Mr. Neave, another of the appeal judges, was absent, and disapproved the measure. The magistrate then sent Mr. M. down the river in a baggage boat, without any proper covering, and under the guard of a sergeant, corporal, and twelve sepoys. In this boat, exposed to the burning sun by day, and to unhealthy dews by night, the prisoner remained for upwards of a month.

[1] *Home Miscellaneous Series*, No. 525, pp. 19–21, and No. 537, pp. 289–315.
[2] *Wellesley's Memoirs*, by R. R. Pearce, Vol. I, pp. 45, 108.
[3] *Sketch of the History and Influence of the Press in British India*, by Leicester Stanhope, pp. 7–9.

Meanwhile Mr. M. having communicated the circumstances to his namesake, Dr. Maclean, of Calcutta, and a paragraph announcing the death of Mr. M. having appeared in the *India Gazette*, the Doctor wrote to the Editor, as follows:—'Sir, I request you will contradict the account which, through some very gross misinformation, was inserted in the last *India Gazette* and *Hircarrah*, announcing the death of Mr. A. Maclean, said to be shot in a duel at Benares. I this day received a letter from that gentleman, mentioning indeed some circumstances which, if his antagonist had not possessed an uncommon degree of prudence, might have led to that catastrophe; but I am happy to add that the only disagreeable effects of the rencontre have arisen from the interference of the magistrate of Gauzepore, whose conduct upon this occasion I will take a due opportunity of appreciating. I am etc., C. Maclean. Calcutta, April 28th, 1798.'

This letter produced the release of Mr. M. at Monghyr, and the banishment of Dr. Maclean, and the first establishment of a Censorship in Asia . . . Dr. M. was called upon by the Government to make an apology; he in a mild but becoming tone refused to do so, and was sent home a prisoner. By this manly conduct, Dr. M. sacrificed an income of £700 per annum, and about £2,000 which he had expended on a printing apparatus. In this outcast and ruined state, the Doctor solicited a passage for himself and his wife, upon which the Governor-General ordered them to be provided for as charter-party passengers; that is, this gentleman and lady were to be accommodated with the *pariahs* of the East, and the scum of English jails, and to be fed on ship provision till they reached England. The comment on this procedure may be summed up in one sentence: "First he punisheth, and then he trieth, and, lastly, compelleth to confess, and makes and mars laws at his pleasure. But good judges abhore these courses." (Coke's Institutes.) On Lord Wellesley's return to England, Dr. Maclean published his case, and no man, throughout, ever behaved with greater prudence and firmness.

Dr. Maclean has since become well known to the public, by his researches in Turkey respecting the causes and treatment of the plague, and in Spain concerning the yellow fever. . . ."

CHAPTER FIVE

CHRONOLOGICAL TABLE

1798 Lord Wellesley Governor-General.

1799 Wellesley's Regulations for the Control and Guidance of Newspapers published in Calcutta.

1802 Second Mahratta War.

1807 Public assemblages, without consent of Government, forbidden.

1812 First Gujerati Printing press established at Bombay.

1813 Charter Act; Episcopalians and Presbyterians send ministers to Calcutta.

1816 First Bengalee newspaper established at Calcutta.

1818 Serampore missionaries start the Bengalee monthly magazine, the *Dig-Dursan*, the monthly *Friend of India*, and the weekly *Sumachar Durpan;* Lord Hastings promulgates new Regulations for the Press; James Silk Buckingham founds the *Calcutta Journal*.

1819 Regulations for the Press enforced in Bombay.

1821 Buckingham warned; publication of *John Bull in the East*.

1823 John Adam acting Governor-General; Buckingham's license revoked.

CHAPTER FIVE

CONFLICT OVER PRESS CENSORSHIP

THE Indian Press had been in existence for less than two decades when the Marquess of Wellesley arrived in Calcutta to assume the Governor-Generalship. James Mill describes these early days in the following words:

> "In the early portion of its career, the Indian Press had been left to follow its own courses, with no other check than that which the law of libel imposed. The character of the papers of early days sufficiently shows that the indulgence was abused, and that, while they were useless as vehicles of local information of any value, they were filled with indecorous attacks upon private life and ignorant censures of public measures."[1]

While it is true that the early newspapers were guilty of publishing attacks on the lives of private and public individuals and sometimes criticised official measures without sufficient information, the historian has conveniently overlooked the dreaded power of transportation possessed by the authorities; a power which had been confirmed both by the Supreme Court and Leadenhall Street. Moreover, it is incorrect to say that the newspapers were "*useless* as vehicles of local information of any value" as, indeed, the records show. However, it was a period when Britain's hold on India was being threatened by Napoleon and when the Government felt that it could ill afford to have its actions and policies publicly discussed and criticised in the press. Indeed, we have already seen how irritated Wellesley was at any public criticism of official actions and he did not allow his viewpoint to be open to any doubt.

> "I am resolved," he imperiously declared, "to encounter the task of effecting a thorough reform in private manners here, without which the time is not distant when the Europeans settled at Calcutta will control the Government, if they do not overturn it. My temper and character are now perfectly understood, and while I remain, no man will venture *miscere vocem* who has not made up his mind to grapple instantly with the whole force of Government."[2]

[1] *History of British India* by James Mill, Vol. III, p. 581 (1846).
[2] *Historical MSS. Commission. Manuscript of J. B. Fortescue, Esq.* Vol. IV, p. 383.

These were strong words and they were to be followed, in May, 1799, by strong action.

At this time Wellesley was in Madras, engaged in the final struggle with Tippoo Sultan. Not unnaturally, considering his conception of himself as a great Eastern ruler, he viewed with extreme disapproval the publication of any matter which had the effect of weakening his influence *vis-a-vis* his adversary or the French. His patience was strained, therefore, when Bruce, the editor of the *Asiatic Mirror*, published some conjectures on the relative strength of the European and native population. Bruce was an able writer and must have given expression to his speculations from public spirit. But Wellesley, who was grimly aware of the delicacy of the British position in India, considered the article "mischievous." He was determined to put an end to what he considered intolerable interference and in April, 1799, he wrote to Sir Alured Clarke (the Commander-in-Chief) declaring: "I shall take an early opportunity of transmitting rules for the conduct of the whole tribe of editors; in the meantime if you cannot tranquillize the editors of this and other mischievous publications, be so good as to suppress their papers by force, and send their persons to Europe."[1]

Wellesley lost no time in fulfilling his undertaking and, on May 13, 1799, the following Regulations were issued from Fort William for the control and guidance of the proprietors of the newspapers published in Calcutta.

> Public Department,
> Monday.
> The Vice-President recommends to the Board, that the following regulations be adopted respecting the publication of newspapers at this Presidency: Viz:—
>
> 1st. Every printer of a newspaper to print his name at the bottom of the paper.
>
> 2ndly. Every Editor and proprietor of a paper to deliver in his name and place of abode, to the Secretary to the Government.
>
> 3rdly. No paper to be published on a Sunday.
>
> 4thly. No paper to be published at all, until it shall have been previously inspected by the Secretary to the Government, or by a person authorised by him for that purpose.
>
> 5thly. The penalty for offending against any of the above regulations to be immediate embarkation for Europe.[2]

[1] *Wellesley's Memoirs* by R. R. Pearce, Vol. I, pp. 278–9.
[2] Public Body Sheet January to June, 1799, pp. 1462–63.

The following are the Rules which were formulated for the guidance of the Secretary who was to act as Censor:

"1. To prevent the publication of all observations on the state of public credit, or the revenues, or the finances of the Company.
2. All observations respecting the embarkation of Troops, Stores, or Specie, or respecting any Naval or Military preparations whatever.
3. All intelligence respecting the destination of any Ships, or the expectation of any, whether belonging to the Company or to individuals.
4. All observations with respect to the conduct of Government or any of its officers, Civil or Military, Marine, Commercial, or Judicial.
5. All private scandal or libels on individuals.
6. All statements with regard to the probability of War or peace between the Company and any of the Native powers.
7. All observations tending to convey information to an enemy, or to excite alarm or commotion within the Company's Territories.
8. The republication of such passages from the European Newspapers, as may tend to affect the influence and credit of the British power with the Native States."

These were, indeed, the most severe of regulations, and Pearce, Wellesley's biographer, declares that they "vary in no material particular from the ordinances promulgated by the Star Chamber in A.D. 1585."[1] As we have seen, censorship by Government order already existed at Madras and Bombay and now these formal rules were introduced at Calcutta.

The new regulations were officially communicated to the editors and proprietors of all the existing newspapers: the *Hurkaru*, the *Morning Post*, the *Calcutta Courier*, the *Telegraph*, the *Oriental Star*, the *India Gazette* and the *Asiatic Mirror*, and the replies to the Government's communication provide us with a complete list of the Calcutta press personnel of the time.

In a letter dated May 13, 1799, William Hunter writes to Secretary Barlow stating that he is the proprietor of the *Bengal Hircarrah* (an alternative spelling to *Hurkaru*) "and at present generally conduct it myself. The printer, Mr. Urquhart has always affixed his name to the bottom of the paper. As the paper ought to be circulated in Calcutta early to-morrow morning, the failure of which would disappoint the subscribers, I should be glad to be informed to whom and where it is to be sent for inspection."[2]

[1] *Memoirs*, by R. R. Pearce, Vol. I, p. 286. [2] O.C., 20 May, No. 19 (1799).

Writing two days later, Archibald Thomson, Paul Ferris and Morely Greenway declare in a letter to Secretary Barlow that they are the proprietors, editors and printers of the Calcutta *Morning Post*, which paper is printed and published under the firm of Ferris and Company and that they had been regularly brought up in the Art of Printing "by which profession we earn our livelihood and consider it as a duty incumbent in us to comply in every respect to the Regulations of Government." The signatories add that Mr. Bush, the late editor, had relinquished his management of the paper.[1]

On the same day (May 15) Thomas Hollingbery and Robert Knellen write to Secretary Barlow stating that the orders of the Vice-President in Council would be most respectfully obeyed. They add that they have "no editor to the *Calcutta Courier*, but are ourselves the sole proprietors, managers, and printers of the same and that we have transferred the day of our publication from Sunday to Friday."[2]

Holt McKenly similarly writes to Secretary Barlow, declaring himself to be the editor of the *Telegraph* and proprietor of five-sixths of the paper. Mr. H. D. Wilson, he states, is the proprietor of the remaining one-sixth.[3] In a separate letter to Sub-Secretary Campbell, McKenly says "I will . . . in every respect conform myself to the directions of Government."[4]

On May 16, 1799, Richard Fleming writes to Secretary Barlow informing him that he is the proprietor and editor of the *Oriental Star* and that the printer is John Johnson. He asks to be informed at what hour on Friday evening he is to send the proof sheets for the Secretary's inspection. If they can be sent between the hours of eight and ten he will be able to publish the paper at the usual hour on Saturday morning. But if these hours "should happen to break in upon the Secretary's time" it is his (Fleming's) duty to attend at any other hour Mr. Barlow might think proper to mention.[5]

The following day John Maxwell addresses a letter to Secretary Barlow stating that the proprietors of the *India Gazette* are William Morris, William Farlie (the latter as administrator of the estate of James Hussey, deceased) and J. D. Williams.[6]

Finally, there is a letter, signed by Charles K. Bruce and John Shoolbred, stating that they are the proprietors of the *Asiatic*

[1] O.C., 20 May, No. 20 (1799).
[2] O.C., 20 May, No. 21 (1799).
[3] O.C., 20 May, No. 22 (1799).
[4] O.C., 20 May, No. 25 (1799).
[5] O.C., 20 May, No. 23 (1799).
[6] O.C., 20 May, No. 24 (1799).

Mirror and that Bruce is the editor. They add that the whole of the paper will be regularly prepared for press at seven o'clock every Tuesday evening and that if any subsequent hour is convenient "we shall be extremely happy to submit to you or to whomsoever you may depute for that purpose the materials intended for publication on the following morning."[1]

Now it will be observed from these letters that there is not the slightest suspicion of truculence; indeed they are almost servile in tone. They certainly do not confirm the assertions of those historians who have held the view that the early newspapermen of Calcutta were a defiant, irresponsible group of malcontents. At the same time there is evidence that they viewed the regulations with dismay, and they were not alone in their attitude. While the new Rules met with the full approval of the Court of Directors in London, when they reached the Board of Control, the President (the Right. Hon. H. Dundas) erased the sentences in the despatch approving of Lord Wellesley's action. Indeed, whether Wellesley himself retained his confidence in the Regulations in later years is open to doubt for it is known that he made a point of instructing the editor of his Official Despatches (published in 1837 by Messrs. W. Allen and Company in five volumes) to omit his despatch on the Indian Press.

Sir John Malcolm, on the other hand, approved of the measures on the ground that "as long as the necessity exists for the maintenance of absolute power, it is far better, both for the State and individuals, that it should be exercised to prevent than to punish such offences, particularly where the punishment is so severe. In the latter case, government has no option, it has only one course to pursue; and when its authority is slighted, and its disposition to moderate measures treated with contumacy, it is compelled to proceed to the extreme exercise of its prerogative, or present to its subjects the spectacle of its authority contemned and defeated. After the establishment of the office of censor, there were no cases of offence, except what were comparatively trivial, and which seem to have originated more in negligence than in design."[2]

Once again newspaper proprietors experienced difficulties with the postal authorities and on May 22, 1800 a statement was issued to the effect that the Governor-General in Council directed that

[1] O.C., 3 June, No. 12 (1799).
[2] *The Political History of India*, by Major-General Sir John Malcolm, Vol. II, p. 297.

the editors of newspapers be required to give security in the first instance to make good any deficiencies arising in the postage of their respective newspapers. In the event of their refusing to give such security their newspapers would not be received until the postage had been previously paid. This announcement was made at the same time as an advertisement stating that both Europeans and "natives" had frequently refused, under various pretences, to receive and pay postage upon letters regularly addressed to them. Notice was therefore given that in the event of any persons refusing to pay the postage on letters or packets addressed to them, measures would be taken immediately to compel them to discharge the amount.

It was just at this period that the Baptist missionaries at Serampore (Carey, Thomas, Brundon, Marshman and Ward) sought permission to establish a press. "To this proposal the Governor-General gave the most decided and peremptory refusal" records their colleague and biographer, John Clark Marshman.[1] The missionary press was, however, to be established before long.

In the meantime (1801), Wellesley had come to the conclusion which he declared in a despatch, that the establishment of an official gazette would be the best method of "silencing" the existing printing presses which were "an evil of the first magnitude . . . useless to literature and to the public and dubiously profitable to the speculators, they serve only to maintain in needy indolence, a few European adventurers who are found unfit to engage in any creditable method of subsistence."

Wellesley's idea was that the Government should establish a press to print an official gazette and newspaper which would contain articles of intelligence and private advertisements, as well as official notices. The former were to be published under the inspection of Government but, of course, were not to be regarded as official communications. The project was thoroughly examined by a Committee and the Superintendent of the Press made extensive calculations regarding the cost of the necessary printing plant and materials. He calculated that the expense of such an establishment would be 90,000 sicca rupees, excluding the payment of staff. This amount, he considers, might be reduced by 25,000 sicca rupees, the amount of profit which he estimates would accrue to the Government from the publication of the *Government Gazette*. From a political point of view, he says, "the establishment

[1] *The Life and Times of Carey, Marshman and Ward*, 2 Vols., p. 859.

of a Press by the Supreme Government would effectually silence those printing presses which now exist and whose common aim and purpose was to be found in their scurrilous outrages from the year 1793."[1]

The Committee reported on the plan but it was eventually abandoned on grounds of expense. In visualising the need of the Government for a channel of communication to the public, Wellesley had anticipated his times.

In the two years since he had promulgated the press regulations, the Governor-General found that the editors were not always prompt in submitting their proofs for examination and on May 22, 1801, the following Resolution is recorded.

> Fort William
> Public Department,
> 22nd May, 1801
>
> Several instances having occurred of newspapers being published without having been previously submitted to the inspection of the Chief Secretary of Government, ordered that the Editors of newspapers be directed on no account to publish the newspapers of which they are respectively the Editors, until they shall have been received by the Chief Secretary of Government, or in his absence, by the Secretary in the Public Department, and that they be further informed that any Paper sent for inspection after three o'clock will not be returned until the following day.

The publication of news of a military character was also the source of the greatest anxiety to the authorities. On August 4, 1801, the editor of the *Calcutta Gazette* was prohibited by the Military Department "from printing any of the Military orders of this Establishment issued either by the Governor-General in Council or by the Commander-in-Chief, except such as may be sent for publication under the signature of one of the Secretaries of Government." The editor was also prohibited from printing and publishing "any army list, book or pamphlet, or in any shape whatever, an account of the numbers or strength of the Civil Corps of the Army, or of the disposition or situation of corps, unless he shall have obtained the particular permission of Government for so doing."

Similar instructions were sent to the editors of the *Asiatic Mirror*, the *Hircarrah*, the *Post*, the *Star* and the *Telegraph*, and they replied undertaking that there would be no violation of the orders.[2]

[1] P.P., 9 April, Nos. 2–5 (1801). [2] P.P., 6 August, Nos. 29–35 (1801).

During the second Mahratta War (1802–1804) the Government viewed with alarm the publication of news concerning the movement of the Company's ships. The Governor-General himself wrote on October 18, 1803, to the editors of the *Asiatic Mirror*, the *India Gazette*, the *Bengal Hircarrah*, the *Calcutta Gazette*, the *Morning Post*, the *Oriental Star* and the *Telegraph* in the following terms:

> "It is desired that the editors of newspapers will not publish any articles of intelligence respecting the departure of ships from any part in India during the War or any information from which a knowledge may be obtained by the enemy of the situation or strength of any part of His Majesty's Naval Force in the Indian seas."[1]

Then again, on February 15, 1804, the proprietors of the *India Gazette*, the *Hurkaru*, the *Mirror*, the *Post*, the *Orphan Press*, the *Star* and the *Telegraph* were reminded that

> "during the present War, you will not publish in your paper any naval or shipping intelligence whatsoever excepting such as may appear in the first instance in the *Calcutta Gazette* under the sanction of Government."[2]

Similar sharp remonstrances were sent to editors at various times until 1807 and the regulations were also made to apply to the editors of newspapers in Bombay, Madras and Prince of Wales' Island. The Company was, indeed, very averse to the publication of any information or the dissemination of views not acceptable to them; public meetings also met with their displeasure. In this connection a notice issued by the Public Department at Fort William on April 9, 1807, is of interest.

> "The following extract from a general letter from the Hon'ble Court of Directors, dated 23rd of July, 1806, is published for general information:
>
> > We direct on receipt of this dispatch that public notice be issued, forbidding, under pain of our high displeasure, any public assemblage either of our own servants or of private merchants, traders or other inhabitants whatever, without first obtaining the sanction of the Government through the medium of the sheriff for the time being; and we further direct, that with the application for holding such meetings the subjects intended to be taken into consideration be also submitted to your previous consideration, in order that you may have it in your

[1] P.P., 20 October, Nos. 38–39 (1803). [2] P.P., 16 February, No. 20 (1804).

power to judge of the propriety of allowing the questions that may be proposed to be agitated, and on no consideration whatever is the sheriff, or the officer presiding at such meetings, to allow any subject to be considered that has not been previously submitted for your consideration. We have full confidence, however, that our Governments in India will not preclude our servants or other European inhabitants from meeting for the purpose of expressing their sentiments, whenever proper subjects are submitted for their deliberation.

Published by order of the Hon'ble the Governor-General in Council."

It will be seen that the Company was not concerned with the rights of free speech and that it reserved to itself all the functions of the judiciary and the executive.

Lord Cornwallis began his second term of office as Governor-General in July, 1805, but shortly afterwards he died in tragic circumstances and was succeeded by Sir George Barlow whom we have hitherto known as Secretary Barlow. During the latter's temporary occupancy of the Governor-General's chair and during the regime of his successor, Lord Minto (1807–13), the procedure of warning editors was continued.

In 1808 we find the editor of the *Calcutta Gazette* being censured for having omitted during several weeks to submit proof-sheets for inspection prior to publication. The editor expressed his regret at having inadvertently omitted to send the proof-sheets for inspection and promised to comply with the regulations in future.

Some three years later (1811) the Government decided to establish a new rule requiring the name of the printer to be uniformly affixed to all publications. The reasons which prompted them to promulgate this further rule were twofold. The Serampore missionaries were partly responsible and so were those printers who indulged in the prevailing practice of publishing anonymous pamphlets concerning individuals.

It will be recalled that the Baptist missionaries of Serampore had set up a printing press to print pamphlets of a religious nature as well as their translations of the Bible. In their proselytising zeal, they frequently published statements casting aspersions on the religious beliefs of Hindus and Muslims. Lord Minto, cultured and kindly, who had seen what effect the circulation of similar pamphlets had had in preparing the ground for the Vellore Mutiny, viewed with grave apprehension the continuation of the

Serampore activities. In an official letter to Dr. Carey it is stated by Secretary Edmonstone that

> "publications . . . of the nature alluded to, are evidently calculated to produce consequences in the highest degree detrimental to the tranquillity of the British dominions in India, and it becomes the indispensable duty of the British Government to arrest the progress of any proceedings of that nature."[1]

The Court of Directors had already laid down their conception of the missionaries' functions in a despatch dated May 29, 1807. It ran:

> ". . . when we afforded our countenance and sanction to missionaries . . . for the purpose of propagating the Christian religion it was far from being in our contemplation to add the influence of our authority to any attempts they might make; for, on the contrary, we were perfectly aware that the progress of such conversion will be . . . arising more from a conviction of the principles of our religion itself, and from the pious examples of its teachers, than from any undue influence or from the exertions of authority, which are never to be resorted to in such cases."[2]

Lord Minto then directed that the missionary press should be transferred from Danish territory to Calcutta where it would come more easily under the supervision of the Government. When, however, the missionaries replied that such a removal would involve them in great expense and inconvenience, he agreed not to take any extreme measures on their promising to withhold all future publications until they had received the prior approval of the Government.

The growing practice of publishing anonymous pamphlets, casting aspersions on individuals, was reflected in the complaints which were reaching the Government. At last, on December 21, 1810, they decided to take action which would cover this offence and also that of the Serampore missionaries. The Government's frame of mind is disclosed in the following letter to the Calcutta Magistrates:

> Gentlemen,
>
> I am directed by the Right Honourable the Governor-General in Council to acknowledge the receipt of a letter from Mr. Martyn dated the 17th instant enclosing a copy of a letter from the Editor of the *Mirror* respecting the libellous paper which Mr. C. Reed caused to be printed at that press.

[1] *Life and Letters of Lord Minto*, by Countess Minto, p. 76.
[2] ibid., pp. 63–4.

The Governor-General in Council do not hold Mr. Bruce blameless with respect to that transaction, it being obviously the duty of the proprietor of a press to inform himself of the tenor of the papers which may issue from it. Adverting however to his assurances that it was solely from inadvertence that the *Mirror* press has been rendered instrumental to the publication of the paper in question; and trusting also that Mr. Bruce will be more circumspect in future, it does not appear necessary to Government to take any further notice of his conduct.

I am at the same time directed to acquaint you that it is the intention of Government to establish a general rule requiring that the name of the Printer be uniformly affixed to the several works and papers which may in future issue from the different presses under their management respectively.

G. Dowdeswell,
Secretary to Government,
Judicial Department.[1]

It was thereupon resolved that orders should be issued by the Public Department in accordance with the last paragraph of the foregoing letter. As a result, the following communication was sent to the proprietors of the *India Gazette*, the *Hurkaru*, the *Mirror*, the *Calcutta Gazette*, the *Morning Post*, the *Orphan Press*, the *Telegraph* and the *Star:*

Gentlemen,

I am directed by the Right Honourable the Governor-General in Council to acquaint you that His Lordship in Council has been pleased to determine that it shall be the duty of the Proprietors of all public presses established at this Presidency, or its dependencies, to cause the name of the Printer to be affixed to all works, papers, advertisements & Ca. printed at or issuing from those presses, and that any breach of this Regulation hereafter will incur the severe displeasure of Government.

I am, & ca,
Council Chamber, A Trotter,
5th January, 1811 Acting Secretary.[2]

The Madras Government had gone a step further. In August, 1807, they had received from Sir Henry Guillim, one of the Judges of the Supreme Court, a printed copy of a charge which he had delivered to the Grand Jury at the previous Sessions, containing an attack upon the Government. On receiving the paper, the Governor, Lord William Bentinck (then thirty-three years old) recorded a minute, part of which is reproduced here as

[1] P.P., 5 January, 1811, No. 20. [2] P.P., 5 January, 1811, No. 21.

he was to change his mind on the subject of the press some years later.

"It is necessary in my opinion for the public safety that the Press in India should be kept under the most rigid control. It matters not from what pen the dangerous matter may issue: the higher the authority, the greater the mischief. We cannot prevent the Judges of the Supreme Court from uttering in open Court opinions, however mischievous, but it is in our power, and it is our duty, to prohibit them from being circulated through the country by means of the press. Entertaining strongly this sentiment, I would recommend that the orders of Government may be given to all proprietors of printing presses, forbidding them, upon the pain of the utmost displeasure of the Governor in Council, to print any paper whatever without the previous sanction of the Governor in Council, communicated by the Chief Secretary."

The paper in question had, apparently, been printed by the *Madras Gazette* at the request of the Grand Jury. The Governor's orders were carried out and printing presses were, henceforward, forbidden to publish any book or paper without the previous consent of the Government.[1]

It will be seen that the censorship in Madras was even more severe than that in Calcutta or Bombay. In due course the Madras Government was to prove itself the most conservative of the three governments. But Lord William Bentinck, on the other hand, was later to develop a much more liberal outlook.

Lord Minto was succeeded in October, 1813, by Lord Moira (afterwards Lord Hastings), a Governor-General whose influence on the Indian Press and public opinion was to be extensive. We have already seen how he put his liberal ideas on education into practice and we shall see how, notwithstanding the united opposition of his Council, he succeeded in establishing in India some of the more progressive views which were now gaining ground in England. Shortly after arriving in Calcutta, the Governor-General who was also Commander-in-Chief, enforced, on October 16, 1813, new rules for the control of printing offices. These rules were set out in the following letter addressed to the proprietors of the *India Gazette*, *Telegraph*, *Mirror*, *Calcutta Gazette*, *Hurkaru*, *Star*, and *Hindostanee* presses and a Mr. De Souza.

Gentlemen,

The rules established for the control of the printing offices at

[1] *Home Miscellaneous Series* 535, pp. 175–184.

Calcutta having undergone revision by Government, I am directed to acquaint you that the Right Hon'ble the Governor-General in Council is pleased to desire your observance of the following rules:

First. That the proof sheets of all newspapers including the supplements and all extra publications be previously sent to the Chief Secretary for his revision.

Secondly. That all notices, handbills and other ephemeral publications, be in like manner previously transmitted to the Chief Secretary for his revision.

Thirdly. That the titles of all original works proposed to be published be also sent to the Chief Secretary for his information who will thereupon either sanction the publication of them or require the work itself for his inspection, as may appear proper.

You will of course consider the rules established on the 13th May, 1799 and 6th August, 1801 to be in full force and effect, except in so far as the operation of them may be modified by the foregoing instructions.

I am & ca,
G. Dowdeswell.[1]

We now pass to an aspect of the Company's rule which was to have considerable effect in India. Hitherto, Christian missionaries had been working in India without licenses from the Company; hence the missionary settlement in Serampore which was in Danish territory. But the Charter Act of 1813 authorised the Government to license a certain number of Christian teachers to act as chaplains in India. And, as a result of pressure from interested groups, the Anglicans sent the Reverend Thomas Fanshaw Middleton to Bengal to become the first Lord Bishop of Calcutta, while the Presbyterians sent the Reverend Samuel James Bryce to become the first minister of the Kirk of St. Andrews. Dr. Bryce had been chosen as the result of his having gained a prize offered by Dr. Claudius Buchanan (a very forthright evangelist) for an essay on the best means of evangelising India.

The story of the rivalry between the Anglican and the Presbyterian ecclesiastics is widely known and does not bear on this study. Dr. Bryce's journalistic activities, on the other hand, had an important effect on the development of the press and the abolition of the censorship. Shortly after arriving in Calcutta on November 28, 1814, he became the managing proprietor of the weekly *Asiatic Mirror* and his frequent encounters with the

[1] O.C., 22 October, No. 42 (1813).

Press Censor (Chief Secretary John Adam) brought a new kind of influence to bear on matters concerning the press.

During 1815 the editor of the *Asiatic Mirror* (James Ralph) was twice accused of violating the press regulations, once for publishing an account of the military route from Janickpur to Kathmandoo, after the censor had deleted the article from the press sheets, and on another occasion for discussing the formation of a new Indian regiment.[1] Bryce accused Adam of exercising too rigorous a control over the press and declared that his administration was more severe than was warranted either by the law or by conditions in Calcutta. From that period relations between Bryce and Adam rapidly deteriorated and eventually Bryce appealed to Lord Hastings. But the Governor-General, who disliked the cleric's manner, saw no reason to differ from his Chief Secretary and declared that Adam had not overstepped his authority and that Bryce was under the disfavour of the Government. As though to emphasize his annoyance he commented that he was not unaware of the "incompatibility of the avocations of an editor and managing proprietor of a newspaper, with the clerical character, even supposing the newspaper were conducted without inviting controversy."[2]

Bryce, like Adam, was a Scot. The latter, a son of the Lord High Commissioner of Scotland, had been in India since the age of sixteen and by his energy and ability had reached the high office he held. It is not surprising that, his experience being what it was, he should have developed bureaucratic ideas of Government. The England that he and his contemporaries knew was the England of the Tory ascendancy. The very idea that the press should criticize or even comment on their activities was obnoxious to them. In other words, they were completely out of touch with the liberalising tendencies which were gaining ground in England. Indeed, it was their firm conviction that British power in India could be maintained only by preserving an "habitual deference for its authority and judgment."[3] According to this school of thought, British rule should remain an unchallenged despotism.

Let us glance at European society in Calcutta during this period. Adam himself graded this society into three divisions, the military and civil officers of the King and the Company, then

[1] *Home Miscellaneous Series* 535, p. 50.

[2] *Home Miscellaneous Series* 535, p. 54, also, *Report of the Select Committee* 1834, appendix, 113, *et seq.*

[3] John Adam, *Statement of Facts relative to the removal from India of Mr. Buckingham, late Editor of the Calcutta Journal*, page 52.

the merchants living in India under the Company's license, and lastly those following miscellaneous occupations who were living in the country either with or without the Company's license. But another section of opinion must needs be added to these classifications if we are to achieve a comprehensive picture of the Calcutta scene. Indian opinion was becoming vocal and already, in 1816, Gangadhar Bhattacharya had established his *Bengal Gazette*. Its existence was a short one but it was the pioneer of hundreds of Indian-owned newspapers.

In the early part of 1818, John Adam was absent from his duties on account of ill-health and the office of Press Censor passed to William Butterworth Bayley who was Acting Chief Secretary of the Government. In his view "the duty of the Censor had been exercised in a manner which, while it prevented the publication of articles calculated to weaken the authority of Government, to shock the religious feelings or prejudices of the Natives or to violate the peace and comfort of Society, it had allowed to the editors sufficient scope for the useful discussion of questions of general or local interest."[1]

The prohibition against the publication of newspapers on Sundays had already been relaxed. On March 7, 1818, John Burton and James Mackenzie who were connected with the *Oriental Star Press* sought permission to publish a Sunday newspaper to be called the *Guardian*. In their application they pointed out that "the whole business of the Press would be finished on Saturday night and that no further employment would be occasioned on Sunday to office servants than the necessary circulation of the paper by peons." To support their demand, the signatories point out that numerous papers are distributed in England on Sundays. And—in order to make their case appear as attractive as possible—"Moral matter will in general take precedence."

After considering the matter, Acting Secretary Trotter replied that "under the circumstances represented in the letter the Hon'ble the Vice-President in Council will not object to the publication on Sundays of the newspaper called the *Guardian* which you are desirous of publishing."[2] Similar permission was given to the *Calcutta Journal* two years later.[3]

From newspapers in English we now pass to newspapers printed in Indian languages. Lord Hastings, who was to show his active

[1] *Bengal Public Consultations*, Vol. 55, 17 October, 1822. No. 8 Minute.
[2] 21 March (1818). [3] P.P., 3 March, 1820. Nos. 47–49.

sympathy in many ways, believed in the utility of such a press. As he said, when addressing the students of the Fort William College, "It is humane, it is generous to protect the feeble; it is meritorious to redress the injured; but it is a god-like bounty to bestow expansion of intellect, to infuse the Promethean spark into the statue and waken it into a man."

It was in April, 1818, that the Baptist missionaries at Serampore started their monthly magazine in Bengalee, the *Dig-Dursan*. It was, of course, known to them that the English journals in Calcutta were being published under the strict supervision of the Government and they were doubtful how the authorities would respond to the idea of a "native" newspaper. Moreover, Dr. Carey, the founder of the missionary settlement, did not favour the proposal since he apprehended that it might cause a breach between the missionaries and the Government—and their difficulties had already been formidable enough. He was, however, over-ruled by his colleagues, Dr. Marshman and Mr. Ward.

According to J. C. Marshman, the object of the *Dig-Dursan* was to "feel the official pulse" in its reaction to a possible Bengalee newspaper. The magazine contained historical and other notices as well as some items of political intelligence. Two numbers were published and as no objection appeared to be forthcoming from Government circles, the missionaries proceeded with their preparations for their weekly paper in Bengalee, to be called the *Sumachar Durpan*. Once more, Dr. Carey expressed his dissent whereupon Dr. Marshman offered to go to Calcutta and submit the first number of the paper (dated May 23, 1818) to the Vice-President (The Hon. Neil Benjamin Edmonstone) and the Chief Secretary (John Adam). Fortunately, both were found to be favourable to the project. Lord Hastings was then in the North-Western Provinces but on receiving a copy of the paper he wrote a letter in his own hand "highly commending the project of endeavouring to excite and gratify a spirit of inquiry in the native mind by means of a newspaper." He also allowed it to be circulated throughout the country at one-fourth the usual postal rates.

The Baptist missionaries had also started, on April 30, 1818, their monthly periodical, the *Friend of India*. In June, 1820, Dr. Marshman, in addition, began the publication of the quarterly *Friend of India*, to enable him to give publicity to "essays on subjects connected with India and a review of such works published either in Europe or in India as must in any way affect the interests of the Country." This publication, as well as the

monthly journal, came to an end, largely owing to financial difficulties, in 1827. The title, however, was to play a prominent part in Calcutta journalism—as we shall see later—when the weekly *Friend of India* was started on January 1, 1835.

But let us return to 1818 and the subject of the abolition of the press censorship.

The circumstances which led to the change in the system of control can best be described in Mr. Bayley's own words.[1] He records that a person of the name of Heatly, born in Bengal, whose father was a European British subject and his mother a native of India, became the sole proprietor and editor of the *Morning Post*, one of the Calcutta newspapers. In the month of April, 1818, Bayley judged it expedient to expunge some paragraphs from this paper which he thought open to serious objection. Whereupon Heatly waited upon him in person and, after some unavailing attempts on the part of Bayley to convince the editor of the inexpediency of inserting the passages in question in his paper, he intimated that he would persist in publishing them and that as a native of India he was liable to no legal penalty for refusing to comply with the injunctions of the Censor. Heatly did publish the paragraphs and Bayley reported the matter to the Vice-President in Council. In Bayley's view it was useless to maintain the office of Censor unless legal power could be vested in the Government to support his authority. So far as a British subject was concerned, the authorities had it in their power to deport him if his conduct was such as to render him "undeserving of the confidence and protection of the Government." But it was fully realised (and the Governor-General, Lord Hastings, mentions the fact in his Minute) that the Government did not possess legal power to enforce any rules for the regulation or control of the Press, so far as it related to publications issued within the limits of the Jurisdiction of the Supreme Court, when conducted by persons coming under the denomination of natives.

After the matter had been fully considered, it was resolved on August 19, 1818, to abolish the censorship and to substitute in its place some general rules for the guidance of editors, calculated to prevent the discussion of topics likely to affect the authority of the Government or to be injurious to the public interests.

Lord Hastings was of a liberal turn of mind and the regulations of which he ultimately approved were framed so as to encourage the press to develop a sense of responsibility and not to force them

[1] *Bengal Public Consultations*, Vol. 55, 17 October, 1822. No. 8 Minute.

into an attitude of relentless hostility to the administration. Though the rules themselves seemed fairly wide, the spirit in which they were framed may be gauged from the letter to the editors of the *India Gazette*, the *Calcutta Gazette*, the *Hurcarrah*, the *Mirror*, the *Government Gazette*, the *Morning Post*, the *Star* and the *Guardian* which accompanied the Regulations:

> "Relying on the prudence and discretion of the Editors for their careful observance of these Rules, the Governor-General in Council is pleased to dispense with their submitting their papers to an Officer of Government previous to publication. The Editors will however be held personally accountable for whatever they may publish in contravention to the rules now committed, or which may be otherwise at variance with the general principles of British Law as established in this Country, and will be proceeded against in such manner as the Governor-General in Council may deem applicable to the nature of the offence, for any deviation from them.
>
> "The Editors are further required to lodge in the Chief Secretary's Office one Copy of every newspaper, periodical, or Extra, published by them respectively.
>
> J. Adam,
>
> 19th August, 1818. Chief Secretary to the Government."

The Rules themselves were as follows:

> "The editors of newspapers are prohibited from publishing any matter coming under the following heads, viz.:
>
> *First*. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England connected with the Government of India; or disquisitions on political transactions of the local administration; or offensive remarks levelled at the public conduct of the Members of Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.
>
> *Second*. Discussions having a tendency to create alarm or suspicion among the native population, of any intended interference with their religious opinions or observances.
>
> *Third*. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.
>
> *Fourth*. Private scandal, and personal remarks on individuals, tending to excite dissension in Society."[1]

The quarterly *Oriental Magazine* (edited by Dr. Bryce) suggested a further reason for the change in the press rules. It had been frequently pointed out by the critics of the system of

[1] O.C., 28 August, 1818. No. 9.

censorship that one of its principal defects was that everything that passed the Censor's eye would have the hall-mark of authority. According to the *Oriental Magazine:*

> ". . . a case was tried at New South Wales, and reported and commented on in the Calcutta Newspapers, where an action for libel was brought, not against the Publisher or Editor of the paper, in which it appeared, but against the Colonial Secretary, who in his capacity as Censor of the Press had permitted it to appear. The liability of the Censor to answer for this libel was established; and we believe the action thereupon was dropped. The Supreme Government of India could not fail to regard this decision with a degree of attention, proportioned to the risk their own Secretaries ran in similar cases. . . ."[1]

That the Government was fully aware of this aspect of the censorship is obvious from the records.[2]

Similar Regulations to those promulgated in Calcutta were enforced in Bombay and they were conveyed to newspaper editors in a letter signed by Chief Secretary Warden on December 20, 1819. It may be inferred that the Governor, Mountstuart Elphinstone, was somewhat doubtful of their expediency for, when passing orders, he recommended "that the warning regarding the measures to be adopted in case the regulations were infringed should be so strong and explicit as to justify prompt and severe example if those Regulations should be disregarded."[3]

Most contemporary commentators regarded the new regulations as opening the way to a free press. Sir John Malcolm, however, considered them a stronger check than had previously existed. While he conceded that the name of an invidious office had been abolished (that of censor), "the responsibility of printing offensive matter was removed from a public functionary to the author or editor" a change which, he says, imposed in a stronger degree the restrictions which were already in force.

This view was not, however, held by the press and is certainly not confirmed by Lord Hastings' numerous Minutes on the subject of the press. These humorous and delicately written treatises disclose a strong desire to infuse a liberalising tendency amongst his colleagues on the Council—hardened by years of almost despotic powers, a fine sense of the desirability of

[1] *Oriental Magazine* (1826), pp. 169–70.
[2] See *Home Miscellaneous Series* 535, pp. 221–2.
[3] *Home Miscellaneous Series* 535, pp. 216–7.

inculcating an attitude of responsiveness to public opinion on the part of administrators in India, and, withal a well conceived appreciation of the mental attitude of those with whom he was working. Later on some extracts from Lord Hastings' Minutes will be quoted in order to illustrate the spirit by which he was animated and to refute certain arguments, such as those of Sir John Malcolm.

When the Court of Directors came to know of the new Regulations, they disapproved in the strongest terms and drafted a Despatch to the Governor-General in which he was instructed "to revert to the practice which had prevailed for nearly twenty years previous to 1818 and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our Presidencies in India." According to the official records, this draft "was sent up officially to the India Office for the sanction of the Board of Commissioners on the 7th April, 1820, but the draft has never been returned by the Board, nor has the Court received any official communication respecting it."[1] There was, then, an obvious cleavage of opinion in London, and the Board eventually returned the draft on July 8, 1823, marked with its disapproval.

India, on the other hand, hailed the new attitude with almost unqualified enthusiasm. The leading officials and merchants of Madras (where the system of censorship had been operated with considerable severity) held a meeting at the Exchange on May 26, 1819, and after a long discussion decided to present an Address to Lord Hastings in the name of the European inhabitants of Madras. After offering their cordial congratulations on the Governor-General's measures for the better government of India, the signatories declared that "public opinion was the strongest support of just government; and that liberty of discussion served but to strengthen the hands of the executive. Such freedom of discussion was the gift of a liberal and enlightened mind; an invaluable and unequivocal expression of those sentiments, evinced by the whole tenor of your Lordship's administration."[2]

The Censor at Madras refused to permit the proceedings of the meeting to appear[3] and strong efforts were made to prevent

[1] *Home Miscellaneous Series* 535, pp. 79–80.
[2] See *Sketch of the History and Influence of the Press in British India*, by Leicester Stanhope (who participated in the discussion), pp. 12–33.
[3] *Home Miscellaneous Series* 535, pp. 193–4.

the Address from being signed. Nevertheless, it was signed by the Chief Justice, the Judges of the Supreme Court, the Law Officers; by the Chief Judge of the Sudder Adawlat, the Residents of Hyderabad and Nagpore, the Company's principal Staff Officers and "about five hundred of the most enlightened gentlemen of the Presidency."

The Address was taken to Calcutta by Major Blacker who was received in State in the Great Hall of Audience by the Governor-General who was obviously very satisfied with this response to his action. Addressing the assembled representatives of the citizens of Calcutta, Lord Hastings said:

> "My removal of restrictions from the Press has been mentioned in laudatory language. I might easily have adopted that procedure without any length of cautious considerations, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for these invidious shackles might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well weighed policy. If our motives of actions are worthy, it must be wise to render them intelligible throughout an Empire, our hold on which is opinion.
>
> Further, it is salutary for Supreme Authority, even when its intentions are most pure, to look to the control of Public Scrutiny. While conscious of rectitude, that authority can lose none of its strength by its exposure to general comment. On the contrary, it acquires incalculable addition of force. That Government which has nothing to disguise, wields the most powerful instrument that can appertain to Sovereign Rule. It carries with it the united reliance and effort of the whole mass of the governed—and let the triumph of our beloved Country, in its awful contest with Tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."[1]

This speech of Lord Hastings was subsequently to be cited by Buckingham and other journalists in support of their contention that the press was now "free" and that they could if necessary, circumvent the limitations of the 1818 Regulations.

The year of the promulgation of the Hastings Regulations (1818), was the year when the famous James Silk Buckingham assumed charge of the *Calcutta Journal*. Buckingham, who had had an adventurous career, was originally a mariner. In June, 1818, he was commanding the *Humayoon Shah* when he was

[1] *Home Miscellaneous Series*, Vol. 538, p. 5.

ordered to the coast of Madagascar for the purpose of giving convoy to some ships carrying slaves. Rather than embark on such an obnoxious quest, he surrendered his command.[1] This gesture was widely approved of in Calcutta and it did not escape the notice of the Governor-General, the Lord Bishop, and other leaders of society. It led the public to read the journal in which he had recorded some impressions of his travels in Palestine, and the literary ability which he there displayed was brought to the attention of John Palmer, head of the well known mercantile house of that name. The latter was of the opinion that the merchants of the city should have their own journalistic vehicle of expression and suggested to Buckingham that he should become its first editor. After accepting the proposal, but before the establishment of the new paper, Buckingham served a brief apprenticeship on two existing journals. Subsequently, on Friday, October 2, 1818, the *Calcutta Journal* made its first appearance in a bi-weekly issue of eight quarto pages at a rupee a copy.

A wide selection of news was presented and attention was drawn to such prevailing grievances as the inefficient state of the police and the allegation that certain persons in European dress were making the streets of Calcutta unsafe at night. But, above all, the correspondence columns were thrown open to any who had grievances to ventilate.

Described as "well conducted," "independent" and "clever," the paper met with a ready response from the Calcutta public. Buckingham was a Whig and most of his reprints from the British papers were in condemnation of the Tories. In addition to his political leanings, Buckingham also gave evidence of his literary tastes by introducing Lord Byron's *Childe Harold* and *Don Juan* and Scott's *Ivanhoe* to Calcutta readers. As a sailor, he was particularly interested in the development of new means of communication. He drew attention in his columns to the North-west passage, the Red Sea route, steam navigation, and the possibility of a voyage by air from Bombay to London in a gas filled leather bag stretched over a cane frame and propelled by oars and bellows.

As a Whig, Buckingham was, of course, a free trader and he strongly advocated the abolition of the East India Company's

[1] Report from the Select Committee appointed to take into consideration the circumstances connected with the suppression of the *Calcutta Journal* in 1823, and the loss of property entailed on Mr. Buckingham in consequence of that measure, and whether any and what amount of compensation ought to be awarded to Mr. Buckingham for his losses, sustained, 1834, 50.

monopoly. In his view, the whole continent of Asia should be opened to the unrestricted competition of whoever was willing to risk his health and fortune. As an editor, he said he conceived his duty to be "to admonish Governors of their duties, to warn them furiously of their faults, and to tell disagreeable truths." In the absence of a legislature he considered the press to be a very necessary check on an irresponsible Government; in other words the Government would be subject to "the control of public scrutiny." In pursuance of this policy Buckingham published numerous letters from correspondents discussing, in the main, local matters and published over noms-de-plumes. A survey shows that, except for certain social customs which have since been abandoned, the writers of letters to the press in the last century differed little in the subjects they covered from their counterparts of to-day.

It was not surprising that the existing newspapers in Calcutta (amongst them the Calcutta *Government Gazette*, the *India Gazette*, the *Bengal Hurkaru* and the *Asiatic Mirror*) received the new paper not only with dismay but with violent opposition. The conductor of the last-named newspaper was, as we know, the Reverend Samuel James Bryce and within a fortnight of the publication of the *Calcutta Journal*, he openly cast doubts on the moral standards of the new editor. He founded his allegations on the fact that Buckingham had demonstrated the steps of a quadrille on a Sunday—apparently a heinous offence against Bryce's ideas of the Sabbath. Buckingham's reply to these charges was to point out that Bryce did not hesitate to publish his *Asiatic Mirror* on the Lord's Day. The acrimonious and undignified exchanges only came to an end with the demise of the *Asiatic Mirror*. Buckingham's paper, on the other hand, increased in popularity and by 1822 the subscribers numbered more than one thousand, the chief being civil servants, military officers and merchants. In 1820 the cost of monthly subscription had been reduced so that it was a little more than half that of rival newspapers. The financial success of the enterprise enabled a new building to be erected, a new improved Columbian press imported from England together with English, Greek, Hebraic and Arabic founts. In 1822 the estimated value of the enterprise was placed at £40,000, three-fourths of which amount then belonged to the editor, the remainder being owned by a hundred purchasers of £100 shares. As at that time the annual profits were stated to be in the neighbourhood of thirty per cent. on the investment and Bucking-

ham's yearly income was about £8,000, he may well be called one of the leading pioneers of modern journalism in India.

By this time many reports had reached Calcutta of Buckingham's early adventures and his enemies were not slow to repeat them in substantiation of their charges that he was a "liar" and an "impostor." With these stories we are not concerned but the interested reader will find them detailed in the biography of James Silk Buckingham by Dr. Ralph E. Turner,[1] a study not devoid of errors, and in the reports of the relevant litigation.

Until May, 1819, Buckingham succeeded, in spite of his vivacity, in avoiding controversy with the authorities. In that month, however, he printed the following comment:

> "We have received a letter from Madras . . . written on deep black-edged mourning post, of considerable breadth, and apparently made for the occasion, communicating as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliot being confirmed in the Government of that presidency for three years longer!
>
> It is regarded at Madras as a public calamity, and we fear it will be viewed in no other light throughout India, generally."[2]

Hugh Elliot, the Governor of Madras, was infuriated and asked the Calcutta authorities to punish the editor. Elliot himself severely censored the Madras press and compelled newspapers to be submitted twice for censorship before they were published.

The Government at Fort William did, indeed, examine the matter but finding that there was not a watertight case of libel, sent a warning to the editor with which was enclosed a copy of the press rules of 1818. Buckingham replied with a long letter expressing regret at "having caused his lordship in Council to express his displeasure," and calling attention to the fact that other newspapers had violated the rules relating to "personal slander"—almost all of which was directed against himself. He concluded by saying that it was the general impression that the press was free. In the words of Dr. Turner, "this episode disclosed the policy both of the Government and of the editor. On the part of the former the policy was to reprimand but not to punish; with the latter it was to regret but not to comply."

The subject of the freedom of the Indian Press was by now a frequent topic of discussion by the Court of Proprietors at India

[1] Williams Norgate, Ltd. (1934).

[2] The *Calcutta Journal*, III (1819), 652; *Home Miscellaneous Series*, Vol. 538, 9 *et seq.*

House and correspondence, both for and against liberty, appeared in the columns of the *Asiatic Journal* and the *Times*.

It has been counted against Buckingham that he spared no one in his attacks, not even the Chief Justice, the Governor of Madras or the Lord Bishop of Calcutta. The last attack was contained in an article in the *Journal* of July 10, 1821, which criticised the Bishop for allowing Chaplains to leave their local duties in order to perform ceremonies elsewhere. "In consequence of one of these ill-timed matrimonial requisitions in December last," ran the article, "the performance of divine service, and other religious observances of the season, were entirely overlooked at Christmas which passed by for some Sundays in succession, and Christmas-day included, wholly unobserved."

The Government demanded the name of the author of these sentiments and Buckingham replied that he did not know, as the contributor was anonymous, but he thought that publication might be productive of good. To this reply Lord Hastings' Government sent a sharp rejoinder:

> "When certain irksome restraints, which had long existed upon the press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extremely useful to all classes of our countrymen in public employment. A paper conducted with temper and ability, on the principles professed by you at the outset of your undertaking, was eminently calculated to forward this view. The just expectations of Government have not been answered. Whatsoever advantages have been attained, they have been overbalanced by the mischief of acrimonious dissensions, spread through the medium of your *Journal*. Complaint upon complaint is constantly harassing Government, regarding the impeachment which your loose publications cause to be inferred against individuals. As far as could be reconciled with duty, Government has endeavoured to shut its eyes on what it wished to consider thoughtless aberrations, though perfectly sensible of the practical objection which attends these irregular appeals to the public . . . I am thence, Sir, instructed to give you this intimation; should Government observe that you persevere in acting on the principle which you have now asserted, there will be no previous discussion of any case in which you may be judged to have violated those laws of moral candour and essential justice, which are equally binding on all descriptions of the community. You will at once be apprized that your license to reside in India is annulled, and you will be required to furnish security for your quitting the country by the earliest convenient opportunity."

Buckingham replied to this letter on July 27, 1821, stating that the concluding portion would give the friends of the Freedom of the Press considerable pain because it really reduced the freedom of opinion to a more perilous and uncertain state than it was under the existence of the censorship. He must now consider the letter as establishing a new criterion in lieu of the former, more safe, because more clearly defined, guides for publication.

> "If so severe a punishment as banishment and ruin is to be inflicted on a supposed violation of the laws of Moral Candour and Essential Justice, of which I know not where to look for any definite standard, I fear that my best determination will be of no avail. My path will be so beset with danger, that I know of no way in which I can escape the risk of such supposed violations when those who are at once to be both judges of the law and the fact may at the same moment make the accusation, pronounce the sentence, and carry it into execution—except by relinquishing entirely an occupation thus environed with perils from which no human prudence could escape."[1]

To this spirited reply the Chief Secretary (W. B. Bayley) replied that Buckingham's letter had produced no change in the sentiments and resolutions of Government which had already been communicated to him.[2]

From this time onwards Buckingham had many encounters with the authorities. In the meantime, however, his *Journal* continued to gain popularity until, one by one, the rival newspapers were outpaced. This left the "old Tories" without a mouthpiece. So on June 3, 1821, a prospectus appeared announcing the publication of *John Bull in the East*. The owners of the new enterprise were employees of the Company and their aims were described as follows:

> "To such an extent," ran the prospectus, " has this inveterate hostility against the principles of social order and civil subordination been carried that feelings of general and just indignation have been excited, and the application of an antidote by the establishment of a strictly Constitutional Press has been loudly called for. To meet this natural and expressed desire, and to afford ample opportunity for men of principle and talent to vindicate the most precious blessings of their birthright, a New Paper has been projected, which is the object of this Address to introduce to the notice of the Indian Public."[3]

[1] P.P., Nos. 36–38, 10 August (1821).
[2] P.P., Nos. 36–38, 10 August (1821).
[3] See James Mackenzie to Secretary Lushington, 9.6.1821 (Nos. 52–53).

In the columns of both the *Journal* and *John Bull* were to be found repercussions of the progressive movements which were gathering momentum in England, the demand for universal suffrage and the repeal of the Corn Laws. Whig that he was, Buckingham gave his full support to the popular demands while *John Bull* assumed the traditional Tory attitude. Turning to Indian affairs, Buckingham, on one occasion wrote "but if *no wrongs are to be redressed*, or suggested improvements listened to, except those which go through Secretaries and Public Officers to the Government, none will be redressed or listened to but those whom they favour. . . ." John Adam had at last found a cause for action. Buckingham was made the defendant in a libel suit brought in the name of the seven chief Secretaries to the Government, and, later, charged by the Advocate-General with criminal libel. The details of this litigation are too involved to be described here, but an account is given in Buckingham's *Brief History of the Banishment of Mr. Buckingham from India.* We are only concerned with the fact that the jury returned a verdict of "not guilty" on the criminal libel. And Buckingham left the Court, his honour intact but his bank balance reduced by £600, which was the cost of the action.

A few months later the editor of the *Journal* was again in trouble. He had published a letter from a military correspondent who, after praising the *Journal* and its editor for having done more good for India than all the laws enacted by the Government, referred to the question of promotion in the army. He ended with the following postscript:

> "I congratulate the natives from the bottom of my heart, at the good you (Buckingham) have already done them; and I hope to see the time when it will no longer be in the power of those who are supposed to protect them from fraud and violence to harass them *even in legal courts, and under rules and regulations.*"

The Government immediately demanded the name of the author of this letter. To this request Buckingham eventually acceded after communicating with his correspondent. In a letter dated May 18, 1822, he informs the Government that the writer in question is Lt.-Col. Robison of His Majesty's Twenty-fourth Regiment of Foot at Nagpur. On receipt of this information the Governor-General in Council resolved that unless Lt.-Col. Robison could disprove the charge made against him it was inexpedient for him to be placed in any situation where an

important trust might devolve upon him; and this opinion was communicated to the Commander-in-Chief.[1]

Adam took this further opportunity to once again express his views on the press and the propriety of Government servants "writing to the papers." In a long Minute he pointed out that there was a constitutional channel of redress which had never been closed against temperate and respectful representation and that he was of the opinion that discipline and authority would be undermined if "every discontented subaltern" were given the "means of anonymously indulging his spleen against a commanding officer" who might exact the strict performance of his duty. He concludes by recapitulating the specific propositions he wished to make to the Board. Firstly, that Lt.-Col. Robison be removed from the command of his regiment. Secondly, that this resolution and the causes of it be published to the Army in General Orders with observations and injunctions to the effect stated in a former part of the Minute. And thirdly, that Buckingham's license to reside in India be withdrawn and that he be desired to embark for Europe within a time to be specified.

Messrs. Fendell and Bayley—Adam's colleagues on the Council—concurred in Adam's views. Bayley thought that the withdrawal of Buckingham's license was the only measure which was "likely to restrain in an effectual manner that spirit of licentiousness and insubordination which has already been productive of great mischiefs and is likely to lead at no very distant period to the most serious and extensive evils."

In a charmingly written Minute, dated June 1, 1822, Hastings replies to his Council. He refers to their unanimity of view but points out that they will not have to vindicate thereafter the measure which they recommend and that the accounting for it would rest upon him singly. He points out that when he is to answer to his country for a procedure, it behoves him to scrutinise that procedure in all its bearings, with an exactness which would not occur as necessary to those on whom a similar responsibility does not attach. He continues that injury to public welfare has been too loosely assumed and points out that deportation would mean the certain destruction of promising fortunes, if not Buckingham's absolute ruin. Is it not equitable then, he enquires, to ask whether it be really indispensable to push chastisement to such an extreme? That Mr. Buckingham has misbehaved

[1] P.P., 18 May (1822).

grossly is admitted. It is some extenuation, however, that convenient limits for the Freedom of the Press have nowhere been defined. In this country (India) many discussions are objectionable which would be indifferent in Europe. But this is distinctly seen only by us who from our situations have a more extensive view than can be attained by an editor. Certainly when reproved for aberrations, Mr. Buckingham has shown a petulant forwardness from imitation of the affected independence of newspaper publishers at home. Still the question will recur, "is it not more just to chasten with moderation than to overwhelm? It is asserted that chastening is ineffectual. I see no grounds for thinking so. Till within these few days past, we have used nothing but menace. I acknowledge that it has proved unavailing. Yet I suspect that it has been so from a persuasion that although we threatened we should not apply the lash." Hastings concludes by saying, "I still wish to forbear resorting to a severity so extreme as that which is urged upon me and I must decline assenting to the proposition of the Board."

Buckingham was saved. But the unfortunate Colonel Robison was ordered to quit the country. In a spirited and sarcastic letter to the Governor-General he expresses his astonishment that any officer should be turned out of the country at twenty-four hours' notice for daring to publish a single comment or sentiment upon public affairs displeasing to the Government.

> "No matter what motives actuated him, if the Government fancy it contains the least offensive matter the writer shall be turned out of his house and quarters like a dog with the mange on the point of the bayonet, and left sick or well, ready or not ready, to march off and embark for Europe if the sea coast be seven hundred miles distant!!!
>
> Oh my Lord! If you had accompanied your precious gift of a Free Press to the people of India, as the prudent Vicar of Wakefield accompanied his gift of a guinea to each of his children with the solemn admonition to look as much as they pleased at the gift, but never to make use of it, I certainly should not be found a transgressor in the present instance. In short, had I not felt myself invited by Lord Hastings' own noble sentiments so publicly and triumphantly expressed on the Freedom of the Press, to speak and write freely whatsoever I thought upon public events passing before me I should naturally have reserved what I was desirous of drawing public attention to for publication in England.
>
> At his Lordship's hands I lay my death should that little

dreaded event happen and let him thank those merciless, corrupt and ignorant Counsellors."[1]

Alas! the daring Colonel's forebodings unhappily materialised and he died on his way to England. By a curious coincidence, a similar fate befel John Adam, one of the "merciless Counsellors," for he died off Madagascar in 1825, at the age of 46, when on a voyage to England for the sake of his health.

As we have seen, the authorities were deeply concerned about the effects of the open discussion of military matters—both on the lower ranks of the army and on Indian readers. The Robison episode, therefore, was the subject of much deliberation on the part of the Commander-in-Chief. And on June 8, 1822, he issued an order prohibiting officers from sending anonymous letters to the newspapers under the penalty of suspension from duties and pay while a solicitation was being made to the Honourable Court for their entire removal from the service.[2]

Let us return now to Adam's campaign against the *Calcutta Journal*. In a Minute dated June 13, he says that his proposition regarding Buckingham having been negatived by the decision of the Governor-General, he has only to bow to that decision and to express his earnest hope that his Lordship's anticipation of an improved line of conduct on the part of the editor would be confirmed by events. He points out that there has already been considerable correspondence between Buckingham and the Government and he cites the following proceedings (which are quoted for reference purposes though their substance has been incorporated in the narrative).

	Consultations:	*General Department*
25th June	1819	Nos. 1 to 7
4th February	1820	1 to 5
17th November	„	1 to 6
5th May	„	2 to 3
8th October	„	1 to 3
13th January	1821	16 to 20
17th July	„	1 to 3
3rd August	„	1 to 8
10th August	„	37 to 38
9th November	„	4 to 6
7th October	„	1 to 4

Adam agrees that deportation would have been a very heavy

[1] P.P., 27 June, 38 to 52 (1822).
[2] *Home Miscellaneous Series* 535, pp. 239–41.

punishment but adds that the interests of the public seemed to him of more importance, and his compassion for the object of punishment must yield to his sense of what was necessary for the public good. And Buckingham was also under the impression that he, too, was acting "for the public good"!

Shortly after this effort, another opportunity presented itself for Buckingham to criticise the Government—and for Adam to criticise Buckingham. In July, 1822, the Government appointed a certain Dr. Jameson to the position of Superintendent of the Medical School for Indians. But Dr. Jameson was already Secretary of the Medical Board, Clerk to the Committee for Controlling the Expenditure of Stationery, and Surgeon of the Free School. Thus, he was now to enjoy four appointments. Pluralism was, of course, the Government's shameless method of favouring their friends and it was too much to expect that this latest example would pass Buckingham's notice. And he said he doubted Dr. Jameson's fitness for the new appointment as he did not possess the qualifications which appeared requisite though he must be "no mean" public character "or he could never have attained the eminence from which he now looks down on so many of his fellow-servants far above him in years and length of service, as Secretary of Two Boards, Surgeon of one Institution, and Superintendent, Controller, and Lecturer of another."[1]

Jameson was furious at having all his appointments exposed and demanded Buckingham's deportation, in which request he was upheld by Adam. He would make one more effort, the latter said (in a Minute dated August 14, 1822) to extinguish, once and for all, the spirit which was pregnant with the most alarming consequences; the spirit which enabled the editors of journals "to proclaim their right to discuss, censure, and control the measures of Government." He objects to the claim of the Press to sit in judgment "on the Acts of Government and bringing public measures and the conduct of public men before the bar of what they miscall public opinion." At great length he points out the dangers of a Free Press which, if not properly controlled, would weaken if not destroy the habits of subordination and respect for superiors, so essential to the discipline and efficiency of a military body. "I cannot imagine a greater political absurdity," he says, "than a government controlled by the voice of its own servants." The destiny of India should be in the hands of Parliament and not in the hands of the Press which had now attained a magnitude and

[1] *Calcutta Journal*, IV 411 (1822).

strength in proportion to the difficulty to devise measures to check it. It would have been easy at the outset not to have given freedom to the press. Cool and deliberate consideration now suggested that restraint was very necessary and every month's delay would only increase the difficulty. Therefore, he recommended the restoration of the censorship.

Hastings, however, thought otherwise and took no action, while Buckingham and Jameson defended their "honour" by fighting a duel which ended in a draw.

Another subject which always agitated the Government was the publication of any matter which tended to cast reflections on any of their "faithful allies." On August 27, 1822, we find Secretary Lushington writing to the editor of the *India Gazette* stating that a letter highly offensive to His Majesty the King of Oudh had appeared in the *India Gazette* of the previous day and requesting him (the editor) to refrain in future from inserting strictures on that Sovereign "for which you cannot have any just information, while their tenor is grossly insulting to a Prince connected by peculiar ties with the British Government." A copy of this letter was circularised to the editors of all the Calcutta newspapers for their guidance.[1]

Just at this time the Calcutta newspapers became involved in a dispute over the Freedom of the Press and *John Bull* expressed the opinion that the Governor-General had never meant to free the press and that, indeed, it had never heard of a free press in India until Buckingham mentioned it. Buckingham's answer to this statement was to quote Hastings' reply to the address from the citizens of Madras (page 93) and he wrote a "Defence of the Marquis of Hastings against the attacks of *John Bull*." In the issue of the *Calcutta Journal* of August 31, 1822, he pointed out a very important matter, namely, that the Hastings Regulations did not possess the force of law:

> "In point of fact, and in point of Law, the Restrictions of June, 1818, are mere waste paper. They have never been passed into a Regulation, in the only legal manner in which Regulations can acquire the force of law by the sanction of the Supreme Court; and are of no more force or value than would be a Circular of the Governor-General in Council, commanding us to give up our Residence for the accommodation of the King of Oudh, if he were to visit Calcutta, or to give up our beds to his seraglio, and our table to his servants."

[1] P.P., 27 August, Nos. 11 and 12 (1822).

As for deportation he declared: "The more the monstrous doctrine of transmission is examined, the more it must excite the abhorrence of all just minds." The *Hurkaru* was also in the fray, for it had asserted: "The Press is, if not *de jure*, at least *de facto* free."

All this heresy was too much for Adam and in his Minute of September 1, 1822, he advises that it should be intimated to Buckingham that he has incurred the extreme displeasure of Government and that he should be warned that if he will not conform to the rules in future, Government will be compelled to inflict the penalty with which he has so often been threatened. In questioning the power of transmission Buckingham had, he said, impeached the authority of the Government and doubted the supremacy of Parliament. Therefore, on September 5, 1822, Buckingham received a letter from Adam warning him that his license would be immediately cancelled and he would be ordered forthwith to depart from India if he again gave publicity to any discussions respecting the power of Government to send out of the country any European not a covenanted servant.[1]

After a further endeavour by Adam to secure Buckingham's deportation, Hastings dilates (in his Minute of October 7, 1822) on the general question of the imposition of authority. He says that "the consideration follows how obedience is most desirably ensured, by a despotic sway which disdains and prohibits discussion, or by that constant indirect address to the right sense of the Government which makes acquiescence appear the decision of their judgment. Experience seems to have tolerably settled the point. So many assassinations and convulsions have been generated by the harsh tone of military domination that a veil is always studiously thrown over the features of that power in every European country where it exists."[2]

Adam was staunchly supported by his colleagues, John Fendell and William Butterworth Bayley; and the former concurred with Adam in the expediency of applying to the Court of Directors to procure an Act of the Legislature for the purpose of requiring the proprietors of printing presses to take out licenses revocable at the pleasure of the Government.[3]

According to Bayley,[4] the stability of the British domination in

[1] P.P., 17 October, No. 5 (1822). [2] P.P., 7 October, No. 6 (1822).
[3] P.P., 8 October, No. 7 (1822).
[4] *Bengal Public Consultations*, Vol. 55, 17 October, 1822. No. 8 Minute (India Office Records).

India mainly depended upon the cheerful obedience and subordination of the officers of the Army, on the fidelity of the Native Troops, on the superior character and power of the Government and upon the opinion which might be entertained by a superstitious and unenlightened native population on the motives and tendency of actions affecting their interest. The liberty of the press, however essential to the nature of a free state, was not in his judgment consistent with the character of British institutions in India or with the extraordinary nature of the British dominance in India. He questioned the desirability of any "factious or discontented individual" having it in his power to excite dissatisfaction in the army, British or Indian, or amongst the general population.

As for the Indian Press, he declared that "the wildest reformer" would scarcely argue seriously that it was wise or politic to allow "the native subjects" unrestrained liberty of discussing and publishing in the native languages speculations or strictures on the conduct, character and the public acts of their English rulers or on the comparative merits of the several religious systems professed by the various opinions which composed the population of India. In England, he declared, the laws regarding the press had kept pace with the progress of public opinion and with the other institutions of a free people. The minds of men had been gradually prepared for the exaggeration and misrepresentation which must ever attend freedom of publication. But he knew of no language which could convey in adequate terms how foreign to the ideas of the subjects of Asiatic States, was a Free Press employed as a means of controlling the Government. To attempt to overturn suddenly their previous habits of thinking and acting would, he conceived, be a blind and hazardous neglect of all the sound and cautious lessons which experience had taught.

In short, Bayley was in favour of the measure suggested in Adam's Minute in which the latter advocated vesting the local Governments with the power of licensing Printing Offices.

Still, Hastings was not prepared to accept the views of his Council though he admitted the existence of a "mischievous set" and expressed the opinion that Buckingham was a tool in their hands. This gives Adam a further opportunity and on October 15, 1822, he dissents from this opinion of the Governor-General and adds that he considers Buckingham to be " the most malignant, the most active and daring of the party, and one whose remarkable aptitude for the line he has chosen renders him no less a singularly

efficient instrument for his designs than his zealous partisanship of its doctrines and principles."[1]

The Minutes of Hastings, Adam, Fendell and Bayley have been quoted at some length because they disclose the interesting fact that the Governor-General was taking the attitude of a constitutional and responsible ruler (who would have to answer for his actions to Parliament and the British public) whereas his colleagues on the Council approached the problem of the freedom of the press from the standpoint of autocratic (but in their own view, benevolent) despots.

The Reverend Samuel James Bryce had just returned from a year's leave in England and Scotland to become the new editor of *John Bull.* He lost little time in attacking his old rival and published a series of anonymous letters seeking to prove that Buckingham was an impostor and an adventurer. In consequence, Buckingham filed a suit for libel against Bryce. He pointed out in his *Journal* that his detractors, though ostensibly concerned with the authenticity of his publications on his travels in Palestine, were really attacking him because of his attitude towards the press. "It is the 'Freedom of the Press' which is the object of their hatred and scorn."[2]

About this time Raja Ram Mohun Roy had taken over the *Sambad Kaumudi* (which had been founded in December, 1821, by Bhowani Charan Banerjee as a weekly organ of Hindu political and social opinion). Buckingham supported the venture and wrote: "The pleasure with which we regard the effusions of the native press does not arise from the intrinsic value of these productions, but as an earnest of what it may produce when it has attained maturity." Among England's future achievements he predicted that the introduction of a free press would be the greatest, for by this freedom, and only by it, could be wrought the moral and intellectual reformation of the country.

Unfortunately for Buckingham, Lord Hastings' regime was soon to come to an end. By an irony of fate, George Canning, who had been appointed to succeed Hastings as Governor-General, became on the death of Castlereagh, Foreign Secretary of England and, owing to the delay in choosing a new Governor-General, John Adam became officiating Governor-General on January 13, 1823. The tide had turned against Buckingham.

One of Adam's first actions on reaching the highest office in the land was to appoint the Reverend Samuel James Bryce as Clerk

[1] P.P., 17 October, No. 9 (1822). [2] The *Calcutta Journal*, VI, 223 (1822).

of the Stationery at a salary of £600 per annum. Adam's explanation of the appointment to the Board of Directors was that Bryce with whom, he said, his acquaintance was "slight," was unable to obtain any emoluments in his profession and that the post was the only one within the gift of the Government for which he was eligible and for which he had asked. One member of the Council, Harrington, pointed out that Bryce's acceptance of the office was inconsistent with his ministership of the Kirk of St. Andrew and only agreed to the appointment with reluctance.[1]

It was not to be expected that Buckingham should restrain himself in the face of such obvious jobbery and in a broadside he declared, in the sarcastic style in which he was an adept, that though at first sight the information which should be within the knowledge of a Clerk of the Stationery "may seem to be incompatible with the theological education, yet we know that the country abounds with surprising instances of that kind of genius which fits a man in a moment for any post to which he may be appointed." This was an ironical reference to the system of plurality which the Government was hardly likely to ignore.

Fortified by the support of his Council, John Adam revoked Buckingham's license. In a reasoned *Statement of Facts Relative to the Removal from India of Mr. Buckingham*,[2] he explains his action. This document is of importance not only because it gives a concise summary of Buckingham's misdemeanours from the point of view of the administrator, but also because it discloses the very wide gap in the conceptions of the function of newspapers on the part of the Government and the journalists themselves. Adam says that the Government saw that if Buckingham's references to Government appointments were suffered to pass unquestioned, "they would establish at once the right to assail, by name, those who might incur their displeasure, and the still more material right of passing judgment on specific measures of Government, with the same freedom used in discussing such subjects in the English Newspapers."

Adam sums up his attitude thus:

> "The Governor-General's objection was, as on a former occasion, to the assumption by an Editor of a Newspaper of the privilege of sitting in judgment on the Acts of Government, and bringing public measures and the conduct of public men, as well as the conduct of private individuals, before the bar of what Mr.

[1] *Home Miscellaneous Series* 533, pp. 126–9.
[2] Published Calcutta, April, 1823.

Buckingham and his associates miscall public opinion. It must be quite unnecessary to disclaim any wish to conceal the real character of the measures of Government, or even their most secret springs, from the knowledge of those controlling authorities to which the law has subjected it, or of the great body of our countrymen, whom the spirit of the constitution, and the practice of the Government at home, have rendered the ultimate judges of the conduct of every public functionary. No one entertains a more unfeigned deference for the constitutional control of public opinion, than the Governor-General; or is more solicitous to have every public measure, in which he has been engaged, submitted to that tribunal, which, in the end, will always do justice to upright intentions and honest endeavours in the public service. With equal readiness does he acknowledge the utility of this species of control, in rendering public men circumspect in the performance of their duties, and checking every propensity to abuse the power, influence and authority derived from public station. But he protests against the assumption of this right of control over the Government and its officers, by a community constituted like the European Society of India. He denies the existence of such a right in that body, and he maintains that it never can be exercised with efficiency for the professed purpose, or with any other consequence, than weakening the just and necessary authority of Government, and introducing the worst spirit of party animosity and violence into this limited society, through the agency of a licentious press. The latter result has already been produced in a considerable degree, and if the former is not yet perceptible as injuriously affecting public measures, it must not be supposed, that the perpetual assaults on the character and respectability of Government, contemptible as they frequently are, are not calculated to shake greatly that salutary confidence in its justice and integrity, and that habitual deference for its authority and judgment which, with advertence to the anomalous structure of our power in this country, it is so essential to preserve unimpaired."[1]

Buckingham, in a statement to his readers, announced that he expected to return to India in the near future. The Governor-General, he declared, "has, in his supreme wisdom and unimpeachable judgment, thought fit to distinguish his brief but happy elevation, by an act without parallel in the history of India during the whole of the preceding Administration."[2] In a "Few Brief Remarks" to his readers he made the following observations:

"I contend that it (the power of deportation) ought not to be

[1] *Statements of Facts*, by John Adam, pp. 51–52.
[2] *Calcutta Journal*, 8 February, 1823.

> used against *anyone*, unless an urgent case of danger to the State could be made out; and even then, not without a hearing and a defence granted to the accused, instead of his being subject to a caprice which makes a Governor at once Accuser, Witness, Judge, Jury and even Executioner! Such a subjection to the arbitrary will of the best man that ever breathed is monstrous and every Englishman in India ought to raise his voice in reprobation of it, from principle as well as self-preservation."[1]

The aggrieved editor declared that he would lose no time in directing all his exertions in another and higher quarter to obtain for his countrymen in India that freedom and independence of mind which was not denied to the most abject individual of Indian birth. While, he said, the power of banishment without trial existed, no Englishman could hope to enjoy independence of mind in the performance of his public duties or the promulgation of his opinions in that quarter of the British Empire. Then, avowing that he felt malice towards no one, Buckingham ended: "I can safely lay my hand upon my heart, and say, I leave the shores of India in peace with all mankind."[2]

The time at his disposal was not long and Buckingham now auctioned his personal possessions. But the *Journal* was to continue under the editorship of a Mr. Sandys who, having been born in India, could not be deported. He was to be assisted by two Englishmen, Sandford Arnot and James Sutherland, who were to have the right to veto the publication of any matter they might consider detrimental to any class. About this time Buckingham owned approximately half of the shares in the *Calcutta Journal* while the remainder were held by George Ballard and John Palmer and some other merchants. About Rs. 27,000 was left on deposit for the conduct of the paper which Buckingham clearly expected to escape any further drastic penalties as a result of the appointment of Sandys. But he had apparently underestimated the determination of John Adam—as we shall see later—to brook no criticism of Government measures by a "licentious" press.

Much emphasis has, necessarily, been given to the press printed in English; but this chapter cannot be concluded without a brief summing up of the newspapers in Indian languages which existed at the close of Lord Hastings' regime. Mention has been

[1] *A Few Brief Remarks on the Recent Act of Transportation without Trial as Punishment for Offences through the Press of India*. Calcutta, 23 February, 1821.
[2] ibid.

made of the *Dig-Dursan* and the *Sumachar Durpan*, established by the Serampore missionaries. (A wooden printing press had been purchased in 1798 for £40 and from this small beginning had grown the large printing establishment which led to William Carey being called "the Wycliff of the East".)[1] The paper avoided political issues and, therefore, met with the approval of such critics of the press as Bayley who declared that no engine could be more powerful and effectual for diffusing useful knowledge amongst the population of the country than a press circulating cheaply and periodically articles of intelligence calculated to instruct the Indian public mind, under the guidance of judicious and properly qualified conductors.

Reference has also been made to the establishment in 1821 of Raja Ram Mohun Roy's organ, the *Sambad Kaumudi* in which he mostly published theological discussions refuting statements made by the Serampore missionaries in their *Sumachar Durpan*, concerning both Christianity and Hinduism.

There had been some newspapers in Persian at the end of the eighteenth century but they were short-lived and no copies are available. The oldest extant newspaper in Persian is the *Jam-i-Jahan Numa* which made its first appearance on March 28, 1822. It was published weekly at a charge of two rupees a month. The object of its conductors was declared to be the dissemination of news from English newspapers and all the important cities of India. This paper published letters from correspondents and strongly criticised the system of Government in Oudh and other States allied to the British Government, a fact which perturbed the British authorities. They were likewise dismayed at an article from Lahore ascribing to Raja Ranjit Singh "acts, measures and language indicating the most decidedly hostile views towards the British Government and which may very naturally prove a ground of offence to that Chief."[2] Copies of the *Jam-i-Jahan Numa* are to be seen in the Imperial Record Department of the Government of India.

Raja Ram Mohun Roy also published a newspaper in Persian—*The Miratool Akbar*—in which, in addition to comments on news, the Raja also engaged in theological controversy and propaganda for social reform. Even this activity frightened the authorities who feared that controversy over such questions as the abolition of

[1] See *The Life of William Carey*, by George Smith.
[2] *Bengal Public Consultations*, Vol. 55, 17 October, 1822 .No. 8 Minute (India Office Records).

suttee would lead to difficulties. But, in describing his editorial duties in the prospectus of his paper, Ram Mohun Roy had declared:

> "My only object is that I may lay before the public such articles of intelligence as may increase their experience, and tend to their social improvement; and that to that extent of my abilities, I may indicate to the Rulers a knowledge of the real situation of their subjects, and make the subjects acquainted with the established laws and customs of their Rulers: that the Rulers may the more readily find an opportunity of granting relief to the people; and the people may be put in possession of the means of obtaining protection and redress from their Rulers."

In the meantime Fardoonji Murzban had, in 1812, established the first Gujerati Press in Bombay, the *Samachar* Press. At first he printed Gujerati translations of Parsee religious books but in 1822 the *Bombay Samachar* was started. This paper is still in existence and the descendants of Fardoonji Murzban have played a conspicuous part in the development of the Gujerati Press of Bombay.

CHAPTER SIX

CHRONOLOGICAL TABLE

1823 John Adam promulgates new Regulations for the Press; Lord Amherst Governor-General; Sandford Arnot deported.

1824 C. J. Fair deported from Bombay; Buckingham appeals to Privy Council.

1825 Press Regulations promulgated in Bombay.

1826 *Oodunt Martund*, first Hindi newspaper, published; servants of the East India Company to cease all connections with press.

1827 Press Regulations passed in Bombay.

1828 William Butterworth Bayley acting Governor-General; Lord William Cavendish Bentinck Governor-General; Buckingham founds the *Athenaeum*.

1829 Catholic Emancipation Act.

1832 Reform Act passed.

1833 Charter Act.

CHAPTER SIX

RESTRICTION VERSUS FREEDOM

We have already seen that the Hastings Press Regulations were not made in the manner prescribed by the statutes and that they could not be held to possess the force of law. Therefore, on April 4, 1823—a week after Buckingham's departure—John Adam laid before the Supreme Court new measures for regulating the press.

These regulations were promulgated under the authority of the Acts of 13th Geo. III cap. 63, sec. 36, and 40th Geo. III and, because of their importance and influence on the future development of the press laws in India, are given here in full.[1]

"Whereas matters tending to bring the government of this country, as by law established, into hatred and contempt, and to disturb the peace, harmony, and good order of society, have of late been frequently printed and circulated in newspapers, and other papers published in Calcutta; for the prevention whereof, it is deemed expedient to regulate by law, the printing and publication within the settlement of Fort William, in Bengal, of newspapers, and of all magazines, registers, pamphlets, and other printed books and papers, in any language or character, published periodically, containing or purporting to contain public news, and intelligence or strictures on the acts, measures, and proceedings of government, or any political events or transactions whatsoever.

" First, be it therefore ordained, by the authority of the Governor-General in Council, of and for the presidency of Fort William, in Bengal, at and within the said settlement or factory of Fort William, in Bengal aforesaid, by and in virtue of, and under the authority of a certain Act of Parliament made and passed in the 13th year of the reign of his late Majesty King George the Third, entituled, 'An Act for the better management of the affairs of the East India Company, as well in India as in Europe'; and by a certain other Act of Parliament made and passed in the 40th year of the reign of his said Majesty King George the Third, entituled, 'An Act for establishing further regulations for the government of the British territories in India, and the better administration of justice within the same.' That fourteen days after the due registry and publication of this rule, ordinance, and regulation in the Supreme Court of Judicature at Fort William,

[1] *Home Miscellaneous Series* 533, p. 219 *et seq.*

in Bengal, with the consent and approbation of the said Supreme Court, if the said Supreme Court shall in its discretion approve of and consent to the registry and publication of the same, no person or persons shall, within the said settlement of Fort William, print or publish, or cause to be printed or published, any newspaper or magazine, register, pamphlet, or other printed book or paper whatsoever, in any language or character whatsoever, published periodically, containing or purporting to contain public news and intelligence or strictures on the acts, measures, and proceedings of government, or any political events or transactions whatsoever, without having obtained a license for that purpose from the Governor-General in Council, signed by the chief secretary of government for the time being, or other person officiating and acting as such chief secretary.

"Second. And be it further ordained, by the authority aforesaid that every person applying to the Governor-General in Council for such license as aforesaid, shall deliver to the chief secretary of government for the time being, or other person acting or officiating as such, an affidavit, specifying and setting forth the real and true names, additions, descriptions, and places of abode of all and every person or persons who is or are intended to be the printer and printers, publisher and publishers, of the newspaper, magazine, register, pamphlet, or other printed book or paper in the said affidavit named, and of all the proprietors of the same, if the number of such proprietors exclusive of the printers and publishers does not exceed two; and in case the same shall exceed such number, then of two of the proprietors resident within the presidency of Fort William, and places thereto subordinate, who hold the largest shares therein, and the true description of the house or building wherein any such newspaper, magazine, register, pamphlet, or other printed book or paper as aforesaid is intended to be printed, and likewise the title of such newspaper, magazine, register, pamphlet, or other printed book or paper.

"Third. And be it further ordained, by the authority aforesaid, that every such affidavit shall be in writing, and signed by the person or persons making the same, and shall be taken without any cost or charge by any justice of the peace acting in and for the town of Calcutta.

"Fourth. And be it further ordained, by the authority aforesaid, that where the persons concerned as printers and publishers of any such newspaper, magazine, register, pamphlet, or other printed book or paper as aforesaid, together with such number of proprietors as are herein-before required to be named in such affidavit as aforesaid shall not altogether exceed the number of four persons, the affidavit hereby required shall be sworn and

signed by all the said persons who are resident in or within twenty miles of Calcutta; and when the number of such persons shall exceed four, the same shall be signed and sworn by four of such persons if resident in or within twenty miles of Calcutta, or by so many of them as are so resident.

"Fifth. And be it further ordained, by the authority aforesaid that an affidavit or affidavits of the like nature and import shall be made, signed, and delivered in like manner as often as any of the printers, publishers, or proprietors named in such affidavit or affidavits shall be changed, or shall change their respective places of abode, or their printing-house, place, or office, and as often as the title of such newspaper, magazine, register, pamphlet, or other printed book or paper shall be changed, and as often as the Governor-General in Council shall deem it expedient to require the same; and that when such further and new affidavit as last aforesaid shall be so required by the Governor-General in Council, notice thereof signed by the said chief secretary, or other person acting and officiating as such, shall be given to the persons named in the affidavit to which the said notice relates as the printers, publishers, or proprietors of the newspaper, magazine, register, pamphlet, or other printed book or paper in such affidavit named, such notice to be left at such place as is mentioned in the affidavit last delivered as the place at which the newspaper, magazine, register, pamphlet, or other printed book or paper to which such notice shall relate is printed, and in failure of making such affidavit in the said several cases aforesaid required, that such newspaper, magazine, register, pamphlet, or other printed book or paper, shall be deemed and taken to be printed and published without license.

"Sixth. And be it further ordained, by the authority aforesaid, that every license which shall and may be granted in manner and form aforesaid, shall and may be resumed and recalled by the Governor-General in Council; and from and immediately after notice in writing of such recall, signed by the said chief secretary, or other person acting and officiating as such, shall have been given to the person or persons to whom the said license or licenses shall have been granted, such notice to be left at such place as is mentioned in the affidavit last delivered as the place at which the newspaper, magazine, register, pamphlet, or other printed book or paper to which such notice shall relate is printed, the said license or licenses shall be considered null and void, and the newspapers, magazines, registers, pamphlets, printed books and papers to which such license or licenses relate, shall be taken and considered as printed and published without license; and whenever any such license as aforesaid shall be revoked and recalled, notice of such revocation and recall shall be forthwith

given in the government gazette for the time being published in Calcutta.

"Seventh. And be it further ordained, by the authority aforesaid, that if any person within the said settlement of Fort William, shall knowingly and wilfully print or publish, or cause to be printed or published, or shall knowingly and wilfully, either as a proprietor thereof, or as agent or servant of such proprietor or otherwise, sell, vend, or deliver out, distribute, or dispose of, or if any bookseller or proprietor or keeper of any reading-room, library, shop, or place of public resort, shall knowingly and wilfully receive, lend, give, or supply, for the purpose of perusal or otherwise, to any person whatsoever, any such newspaper, magazine, register, pamphlet, or other printed book or paper as aforesaid, such license as is required by this rule, ordinance, and regulation not having been first obtained, or after such license, if previously obtained, shall have been recalled as aforesaid, such person shall forfeit for every such offence a sum not exceeding sicca rupees 400.

"Eighth. And be it further ordained, by the authority aforesaid, that all offences committed, and all pecuniary forfeitures and penalties had or incurred under or against this rule, ordinance, and regulation, shall and may be heard, adjudged, and determined by two or more of the aforesaid justices of the peace, who are hereby empowered and authorized to hear and determine the same, and to issue their summons or warrant for bringing the party or parties complained of before them; and upon his or their appearance, or contempt and default, to hear the parties, examine witnesses, and to give judgment or sentence according, as in and by this rule, ordinance, and regulation is ordained and directed; and to award and issue out warrants, under their hands and seals, for the levying of such forfeitures and penalties as may be imposed upon the goods and chattels if they shall not be redeemed within six days, rendering to the party the overplus (if any be) after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof; and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for such justices of the peace, and they are hereby authorized and required, by warrant or warrants under their hands and seals, to cause such offender or offenders to be committed to the common gaol of Calcutta, there to remain for any time not exceeding four months, unless such forfeitures and penalties, and all reasonable charges, shall be sooner paid and satisfied; and that all the said forfeitures, when paid or levied, shall be from time to time paid into the treasury of the United Company of Merchants of England trading to the East Indies, and be employed and disposed of according

to the order and directions of his Majesty's said justices of the peace at their general quarter sessions or other sessions.

"Ninth. Provided always, and be it ordained by the authority aforesaid, that nothing in this rule, ordinance, and regulation contained, shall be deemed or taken to extend or apply to any printed book or paper containing only shipping intelligence, advertisements of sales, current prices of commodities, rates of exchange, or other intelligence solely of a commercial nature."

J. Adam,
Edward Paget,
John Fendell,
John Herbert Harrington,
W. B. Bayley,
Chief Secretary to the Government.

A copy of this Ordinance was eventually (December 18, 1823) affixed, by order of the Court of Directors, on a conspicuous part of India House in London in accordance with the provisions of 13th Geo. III, Chap. 63, sect. 36. On the day following the promulgation of the Press Ordinance, the Governor-General in Council issued further regulations, concerning the establishment of printing presses. They were as follows:

"Whereas it is deemed expedient to prohibit within the territories immediately subordinate to the presidency of Fort William, the future establishment of printing presses, and the use of any such presses, or of types or other materials for printing, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse.

"And whereas it may be judged proper to prohibit the circulation within the territories aforesaid, of particular newspapers, printed books, or papers of any description, whether the same may be printed in the town of Calcutta, or elsewhere; the following rules have been enacted, to be in force from the date of their promulgation, within the territories immediately subordinate to the presidency of Fort William.

II. *The printing of books and papers, and the use of printing presses, prohibited, except with the license of Government (violation of this rule how punishable).*

"No person shall print any book or paper, or shall keep or use any printing press or types, or other materials or articles for printing, without having obtained the previous sanction and license of the Governor-General in Council for that purpose; and any person who shall print any book or paper, or shall keep or use any printing press or types, or other materials or articles for printing, without having obtained such license, shall be liable, on

conviction before the magistrate, or joint magistrates of the jurisdiction in which such offence may be committed, to a pecuniary fine not exceeding 1,000 rupees, commutable, if not paid, to imprisonment without labour, for a period not exceeding six months.

III. *Unlicensed printing presses to be attached by the magistrates, and may be disposed of as the Government may direct (under what circumstances magistrates may issue warrants for the search of houses).*

"The magistrate and joint magistrates are further authorized and directed to seize and attach all printing presses and types, and other materials or articles for printing, which may be kept or used within their respective jurisdictions without the permission and license of Government, and to retain the same (together with any printed books or papers found on the premises) under attachment, to be confiscated, or otherwise disposed of as the Governor-General in Council (to whom an immediate report shall be made in all such cases) may direct; and if any magistrate or joint magistrates shall, on credible evidence, or circumstances of strong presumption, have reason to believe that the unlicensed printing presses or types, or other materials or articles kept for printing, are kept or used in any house, building, or other place, he is authorized to issue his warrant to the police officers to search for the same, in the mode prescribed in the rules for the entry and search of dwelling-houses, contained in Clauses V, VI, and VII. Section XVI. Regulation XX, 1817.

IV. *Persons desirous of keeping or using printing presses, how to apply for a license, circumstances to be specified in the application, and how to be verified.*

"Whenever any person or persons shall be desirous of keeping or using any printing press or types, or other materials or articles for printing, he or they shall state the same, by a written application to the magistrate or joint magistrates of the jurisdiction, in which it may be proposed to establish such printing press. The application shall specify the real and true name and profession, caste or religion, age and place of abode, of every person or persons who are (or are intended to be) the printers and publishers, and the proprietors of such printing press or types, or other materials or articles for printing, and the place where such printing press is to be established, and the facts so stated in the application shall be verified on oath, or on solemn obligation, by the persons therein named as the printers, publishers, or proprietors, or by such of them as the magistrate or joint magistrates may think it expedient to select for that purpose.

V. *Application to be forwarded to Government, who will grant or withhold the license.*

"The magistrate or joint magistrates shall then forward a copy of such application (with a translation, if it be not in the English language) to the Governor-General in Council, who, after calling for any further information which may be deemed necessary, will grant or withhold the license at his discretion.

VI. *The condition which may be annexed to such license, to be communicated both verbally and in writing to the parties concerned.*

"If the license shall be granted, the magistrate or joint magistrates will deliver the same to the parties concerned, and will apprize them, both verbally and in writing, of the conditions which Government may in each instance think proper to attach to such license.

VII. *Power of recalling such licenses reserved to Government—Notices of recall how to be served.*

"The Governor-General in Council reserves to himself the full power of recalling and resuming any such license, whenever he may see fit to do so; such recall will be communicated by the magistrate, or joint magistrates, by a written notice, to be delivered at the house, office, or place named in the application as that at which the printing press was to be established, or at any other house, office or place, to which such printing press may, with the previous knowledge and written sanction of the magistrate, or joint magistrates, have been intermediately removed.

VIII. *Penalties attaching to persons who may use such printing presses after notice of recall.*

"Any person or persons who, after such notice being duly served, shall use, or cause or allow to be used, such printing presses, or types, or other materials or articles for printing, shall be subject to the penalties prescribed in Section II of this regulation; and the printing presses, types, and other materials or articles for printing, together with all printed books and papers found on the premises, shall be seized, attached, and disposed of, in the manner prescribed in Section III of this Regulation.

IX. *The first and last pages of books and papers printed at a licensed press, to contain certain specifications.*

"A copy of every book and paper, printed at a licensed press, to be forwarded to the magistrate, and by him to Government; all books and papers which may be printed at a press duly licensed by Government, shall contain, on the first and last pages, in legible characters, in the same language and character as that in which such book or paper is printed, the name of the printer, and of the city, town, or place, at which the book or paper may be printed; and of every book and paper printed at such licensed

press, one copy shall be immediately forwarded to the local magistrate, or joint magistrates, who will pay for such books or papers the same prices as are paid by other purchasers; all such books and papers, if printed in the English or other European language, shall be forwarded by the magistrate, or joint magistrates, to the office of the Chief Secretary to Government, and if printed in any Asiatic language, to the office of the Secretary to Government in the Persian department.

X. *Notice how to be given.*

"If the circulation of any newspapers or printed book shall be prohibited by Government; if the Governor-General in Council shall at any time deem it expedient to prohibit the circulation, within the territories immediately subordinate to the Presidency of Fort William, of any particular newspaper, or printed book, or paper of any description (whether the same be printed in the town of Calcutta or elsewhere), immediate notice of such prohibition will be given in the Government *Gazette*, in the English, Persian, and Bengalee languages; the officers of Government, both civil and military, will also be officially apprized of such prohibition, and will be directed to give due publicity to the same, within the range of their official influence and authority.

XI. *The wilful circulation of such prohibited papers, how punishable if the offence be committed by persons subject to the authority of the Zillah and City Courts.*

"Any person subject to the authority of the Zillah and City Courts, who, after notice of such prohibition, shall knowingly and wilfully circulate, or cause to be circulated, sell, or cause to be sold, or deliver out and distribute, or in any manner cause to be distributed, at any place within the territories subordinate to the Presidency of Fort William, any newspaper, or any printed book or paper of any description, so prohibited, shall, on conviction before the magistrate, or joint magistrates, of the jurisdiction in which the offence may be committed, be subject, for the first offence to a fine not exceeding one hundred rupees, commutable, if not paid, to imprisonment without labour for a period not exceeding two months; and for the second, and each and every subsequent offence, to a fine not exceeding two hundred rupees, commutable to imprisonment without hard labour for a period not exceeding four months.

XII. *The offence how punishable if committed by a person not subject to these Courts.*

"If the person who may commit the offence described in the previous section, shall not be amenable to the authority of the local magistrate, or joint magistrates, the Governor-General in

Council will adopt such measures for enforcing the prohibition, notified in pursuance of Section X as may appear just and necessary.

XIII. *Judgments passed by magistrates under this Regulation to be reported to Government.*

"All judgments for fines given by the magistrates, and joint magistrates, under this regulation, shall be immediately reported (with a copy and abstract translation of the proceedings held in each case) for the information and orders of the Governor-General in Council, who reserves to himself a discretion of remitting or reducing the fine in any instance in which he may judge it proper to do so."

The Council decided to allow anyone who was opposed to the system of licensing the right to appear before the Supreme Court. This gave an opportunity to Raja Ram Mohun Roy and five colleagues to protest against the measure in the name of Indians (through Cutlar Fergusson, a lawyer who subsequently became Attorney-General). He declared that the people of Calcutta were opposed to such extreme regulations. The petition, which became known as the "Areopagitica of the Indian Press" contained the following arguments:

"A complete stop will be put to the diffusion of knowledge and the consequent mental improvement now going on, either by translations into the popular dialects of this country from the learned languages of the East, or by the circulation of literary intelligence drawn from foreign publications. And the same course will also prevent those natives who are better versed in the laws and customs of the British nation, from communicating to their fellow-subjects a knowledge of the admirable system of Government established by the British, and the peculiar excellencies of the means they have adopted for the strict and impartial administration of justice. Another evil of equal importance in the eyes of a just Ruler is that it will also preclude the natives from making the Government readily acquainted with the errors and injustice that may be committed by its Executive Officers in the various parts of their extensive country, and it will also preclude the natives from communicating frankly and honestly to their Gracious Sovereign in England and his Council, the real conditions of His Majesty's faithful subjects in this distant part of his dominions, and the treatment they experience from the local Government, since such information cannot in future be conveyed to England, as it has heretofore been, either by the translation from the native publications inserted in the English newspapers printed here and sent to Europe, or by the English publications which the natives

themselves had in contemplation to establish before this Rule and Ordinance was proposed.

. . . .

Every good Ruler, who is convinced of the imperfection of human nature, and reverences the Eternal Governor of the world, must be conscious of the great liability to error in managing the affairs of a vast empire; and therefore he will be anxious to afford to every individual the readiest means of bringing to his notice whatever may require his interference. To secure this important object, the unrestrained liberty of publication is the only effectual means that can be employed."

Sir Francis MacNaghten, the Judge who was hearing the appeal, declared that there was no town, city or place on earth enjoying "more practical liberty" than Calcutta. He continued: "If we are to have a Free Constitution, which we have not—let a Free Press follow, not precede it." Notwithstanding this judgment, MacNaghten was not so authoritarian as his civilian colleagues, as the records show. He was merely interpreting the policy of the Government in Bengal and the Court of Directors.

The Prime Minister (Lord Liverpool) and the Foreign Secretary (Canning), together with the President of the Board of Control (Charles Wynn), had on March 1, 1823, agreed upon a Minute deprecating "the growing abuse of a licentious press" in India, and they concurred that deportation was to be the "ultimate foundation" of the enforcement of the rules regulating the press. Just at this time Lord Amherst had been appointed Governor-General, and the Secret Committee of the Court of Directors declared that they would favour any measure which the new Governor-General might take against the newspapers. Amherst, as we shall see, found no reason to disagree with the regulations put into force by Adam and he began his term of office by merely continuing his predecessor's policy.

Raja Ram Mohun Roy did not rest content with the rejection of his appeal to the Supreme Court. He later on addressed an "Appeal to the King in Council against the Press Regulations" and compared the privileges which had been enjoyed by Hindus under Moghul rule with their position under the British regime. He declared:

"Notwithstanding the despotic power of the Mogul Princes who formerly ruled over this country, and that their conduct was often cruel and arbitrary, yet the wise and virtuous among them

always employed two intelligencers at the residence of their Nawabs or Lord Lieutenants, *Akhbar-novees*, or news-writer who published an account of whatever happened, and a *Khoofea-navees*, or confidential correspondent, who sent a private and particular account of every occurrence worthy of notice; and although these Lord Lieutenants were often particular friends or near relations to the Prince, he did not trust entirely to themselves for a faithful and impartial report of their administration, and degraded them when they appeared to deserve it, either for their own faults or for their negligence in not checking the delinquencies of their subordinate officers; which shews that even the Mogul Princes, although their form of Government admitted of nothing better, were convinced, that in a country so rich and so replete with temptations, a restraint of some kind was absolutely necessary, to prevent the abuses that are so liable to flow from the possession of power. . . .

In conclusion, your Majesty's faithful subjects humbly beseech your Majesty, first, to cause the Rule and Ordinance and Regulation before mentioned, which has been registered by the Judge of your Majesty's Court, to be rescinded; and prohibit any authority in this country, from assuming the legislative power, or prerogatives of your Majesty and the High Council of the Realm, to narrow the privileges and destroy the rights of your Majesty's faithful subjects, who claim your protection, and are willing to submit to such laws, as your Majesty with the advice of your Council, shall be graciously pleased to enact.

Secondly, your Majesty's faithful subjects humbly pray, that your Majesty will be pleased to confirm to them the privilege, they have so long enjoyed, of expressing their sentiments through the medium of the Press, subject to such legal restraints as may be thought necessary or that your Majesty will be graciously pleased to appoint a commission of intelligent and independent Gentlemen, to inquire into the real condition of the millions Providence has placed under your high protection.

Your Majesty's faithful subjects from the distance of almost half the globe, appeal to your Majesty's heart by the sympathy which forms a paternal tie between you and the lowest of your subjects, not to overlook their condition; they appeal to you by the honour of that great nation which under your Royal auspices has obtained the glorious title of Liberator of Europe, not to permit the possibility of millions of your subjects being wantonly trampled on and oppressed; they lastly appeal to you by the glory of your Crown on which the eyes of the world are fixed, not to consign the natives of India, to perpetual oppression and degradation."

The Privy Council rejected this appeal which has been described

as one of the noblest pieces of English to which Ram Mohun Roy ever put his hand.

The Raja was mainly concerned with the effect of the Press Ordinance on the Indian-owned newspapers in Bengalee and Persian. That the influence of these newspapers was beneficial can be gauged by a statement which came from the impartial Serampore missionaries. Writing in their organ, *The Friend of India*, they observed:

> "How necessary a step this (the establishment of a Native Press) was for the amelioration of the condition of the Natives, no person can be ignorant who has traced the effects of the Press in other countries. The Natives themselves soon availed themselves of this privilege; no less than four Weekly Newspapers in the Native language have now been established, and there are hopes, that these efforts will contribute essentially to arouse the Native mind from its long lethargy of death; and while it excites them to inquire into what is going forward in a world, of which Asia forms so important a portion, urge them to ascertain their own situation respecting that eternal world, which really communicates all the vigour and interest now so visible in Europeans. *Nor has this liberty been abused by them in the least degree;* yet these vehicles of intelligence have begun to be called for, from the very extremities of British India and the talents of the Natives themselves, have not unfrequently been exerted in the production of Essays, that would have done credit to our own countrymen."[1]

The applications for licenses which followed the enforcement of the Adam Regulations reveal how the Indian-owned press was increasing. On April 11, 1823, Bhobany Churn Banorjee applies for a license to print a weekly paper in Bengalee entitled *Summachar Chundrika* and the license is granted.[2]

On April 18, 1823, an application is made by Govind Chunder Coaur and Aunundo Gopal Mookerjea to publish a Bengalee newspaper, called the *Sungbad Cowmuddy* (the *Sambad Kaumudi*). The paper was the organ of Raja Ram Mohun Roy but the application for the license was not made in his name.[3]

The records then contain an application from Hurree Hur Dut for a license to carry on his Persian and Hindoostanee newspaper, the *Jami Jehan Nooma*. The printer is William Hopkins Pearce and Lalla Sodha Sook, a Moonshee, is to be the editor.[4]

On May 6, 1823, Moothur Mohan Mitter, publisher, and

[1] *Friend of India:* Quarterly series: No. VII, December, 1822.
[2] P.P., General, 11 April, 1823.
[3] P.P., General, 18 April, 1823.
[4] P.P., General, 19 April, 1823.

Munneeram Thacoor, printer, applied for a license to publish a Persian and Hindustani newspaper called the *Shumasul Akhbar* at Calcutta.[1]

Some three months after his first application, Aunundo Gopal Mookerjea writes to Chief Secretary Bayley informing him that he has found it necessary to remove the printing of the *Sambad Kaumudi* from the press of its former printer, Govind Chunder Coaur, and that he (Mookerjea) applies for a fresh license as sole printer and publisher.[2]

Though Buckingham was out of the country, he continued to be the subject of discussion in the Calcutta Press. His critics dwelt on his past career, repeated their accusation of literary piracy, and, perforce, returned to the discussion on the freedom of the press. The *Calcutta Journal* naturally defended the absent editor against the attacks of *John Bull* and soon found themselves in trouble. Sandys, the editor, was, as we know, an Anglo-Indian and could not, therefore, be deported. So Arnot, who was living in India without a license from the Company, was chosen for transmission. Under the authority of Lord Amherst, Chief Secretary Bayley wrote to the conductors of the *Journal* (J. Palmer and G. Ballard) ordering the immediate deportation of Sandford Arnot, the assistant editor:

> Gentlemen,
>
> After the official communication made to you in my letter of the 18th July last and the recent assurances on the part of the conductors of the *Calcutta Journal* conveyed in Mr. Sandys' letter to your address of the 29th of that month, the Right Hon'ble the Governor-General in Council has noticed with surprise certain passages contained in the *Calcutta Journal* of the 30th ultimo, page 833.
>
> 2. The renewed discussion in the *Calcutta Journal* of the question of Mr. Buckingham's removal from India, after the correspondence which has so recently passed, is in itself disrespectful to the Government, and a violation of the rules prescribed for the guidance of the Editors, and the offence is greatly aggravated by the mode of treating the subject and by the manner in which the motives of the Government in removing Mr. Buckingham are grossly and wilfully perverted.
>
> 3. The passages in question marked by a double line which clearly impugn the motives of the Government in removing Mr. Buckingham from India would warrant the immediate recall of the license under which the *Calcutta Journal* is published; but not-

[1] P.P., General, 6 May, 1823. [2] P.P., General, 7 August, 1823.

withstanding the just cause of displeasure afforded on this occasion, the Governor-General in Council is still unwilling from the considerations connected with the interests of those who share in the property, to have recourse to so extreme a measure, while it can be avoided.

4. His Lordship in Council cannot, however, pass over the present insult offered to Government with the mere expression of his displeasure, and he has resolved to adopt the following course.

5. The article containing the offensive passages above quoted is professedly an editorial article for which Mr. Sandys and Mr. Arnot, the avowed conductors of the paper, are clearly and personally responsible.

6. Mr. Sandys cannot be subjected to any direct mark of displeasure of Government suitable to the occasion and to the nature of the offence, which would not equally injure the interests of the sharers in the property; but Mr. Sandford Arnot is a native of Great Britain residing in India, without any license from the Hon'ble the Court of Directors or other legal authority. The Governor-General in Council has accordingly resolved that Mr. Arnot be sent to England and that immediate orders be issued to give effect to the foregoing resolution.

7. The Governor-General in Council trusts that this measure will be sufficient to prevent any further violation by the conductors of the *Calcutta Journal* of the respect due to Government, and of the rules prescribed for the regulation of the periodical Press, and will render it unnecessary to have recourse to the ultimate measure of withdrawing the license under which the *Calcutta Journal* is now published.

General Department, W. B. Bayley,
23rd September, 1823. Chief Secretary to Government.[1]

By this time Buckingham had started a paper in England called *The Oriental Herald* and copies of this journal were sent to Calcutta. Extracts were reprinted in the *Calcutta Journal*. The paper also published passages from Leicester Stanhope's *Sketch of the History and Influence of the Press in British India* (which book had not been prohibited by the Government) and, as these referred to the question of the freedom of the press, the Government could restrain itself no longer and in the following letter ordered the cessation of the *Calcutta Journal*:

To Mr. John Palmer and Mr. George Ballard.
Gentlemen,

You were apprised by my official letters of the 18th July and 23rd September last of the sentiments entertained by the Governor-

[1] *Home Miscellaneous Series*, No. 533.

General in Council, with regard to the repeated violation on the part of the conductors of the *Calcutta Journal* of the rules established by Government for the regulation of the periodical press. The editor of the *Calcutta Journal*, notwithstanding these communications, has since, by the republication in successive numbers of that newspaper of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles which, as applicable to the state of the country, the Governor-General in Council has repeatedly discouraged and reprobated, the extracts themselves so published, containing numerous passages which are in direct violation of the rules prescribed by Government under the date the 5th April last.

The Right Hon'ble the Governor-General in Council has, in consequence, this day, been pleased to resolve that the license granted by Government on the 18th of April 1823 authorising and empowering John Francis Sandys and Peter Stone de Rozario to print and publish in Calcutta a newspaper called *The Calcutta Journal of Politics and General Literature* and supplement thereto, issued on Sundays, entitled and called *New Weekly Register and General Advertiser of the Interior* with heads of the latest intelligence, published as a supplement to the country edition of the *Calcutta Journal*, shall be revoked and recalled, and you are hereby and respectively required to take notice that the said license is resumed, revoked and recalled accordingly.

I am & ca,
Council Chamber, W. B. Bayley,
10th November, 1823. Chief Secretary to Government.

In the meantime Arnot, who had been prevented from depositing the necessary security owing to delay in the delivery of the deportation order, had been arrested and locked in the military prison. Eventually, he secured his release by a writ of habeas corpus and took refuge in French territory at Chandernagore. In due course he was deported to England (as a charter party passenger) for not possessing the Company's license.[1]

The press was, indeed, in a very unhappy condition and duels between the editors of the *John Bull* and the *Hurkaru* became frequent. The point at issue was the freedom of the press and early in 1824 the papers were forbidden to print any materials that might tend to renew the discussion. Now Parliament had been debating the subject, and the absurd situation had arisen where the Indian Press was in doubt whether it could legally

[1] See *Sketch of the History of the Indian Press*, by Sandford Arnot (1829).

reprint Parliamentary debates. So the following circular letter was sent to the editors of the various newspapers.

Sir,

A question having arisen as to the extent to which the restrictive rules regarding the Press are applicable to the republication from English or other newspapers of proceedings in Parliament, I have been directed by the Right Hon'ble the Governor-General in Council to apprize you that the republication of debates and proceedings in Parliament is not intended to be prohibited.

2. The publication of comments or remarks on such debates, if at variance with the rules in question, is still prohibited as heretofore.

General Department, I am & ca,
23rd September, 1824. W. B. Bayley.[1]

In the circumstances, *John Bull* was to find itself the object of the Government's displeasure for publishing the views of Sir John Malcolm relating to the press. Chief Secretary Bayley sent a sharp reminder to the editor:

Sir,

The Right Honorable the Governor-General in Council has directed me to apprize you that the insertion in your paper of the letter addressed by Sir John Malcolm to Mr. Lambton on the question of a free press in India is considered by Government to have been improper and in violation of the instructions which have been more than once communicated to the several Editors prohibiting them from inserting in the newspapers articles calculated to revive the discussion of the question above alluded to.

2. I am further directed to state that the existing Press rules will not henceforward be construed to prohibit the publication in the Calcutta papers of the debates and proceedings in the Court of Proprietors at the East India House and that the reports of Proceedings and Debates in that Court may be republished in the Calcutta Newspapers without subjecting the Editors to any censure or penalty.

3. All comments and remarks on those Proceedings or debates whether proceeding from the Editors in India or from other quarters are prohibited as heretofore unless they should be perfectly consistent with the Press Regulations.

4. A copy of this letter will be forwarded for the information and the guidance of the other Editors.

General Department, I am & ca,
14th October, 1824. W. B. Bayley.[2]

[1] P.P., 23 September, 1824, No. 1. [2] P.P., 21 October, No. 1 (1824).

In reply to this admonition the editor of *John Bull* wrote as follows:

> Sir,
>
> I have the honour to acknowledge the receipt of an Official Communication from you, apprizing me that the insertion in the *John Bull* of a Letter addressed by Sir John Malcolm to Mr. Lambton on the question of a free press in India is considered by Government to have been improper and in violation of the instructions which have more than once been communicated to the several Editors prohibiting them from inserting in the Newspapers articles calculated to revive the discussion of the question above alluded to.
>
> Assuredly if I could have imagined that the Government would have considered the Letter as written on the question of a free press in India and not on the question as to the correctness of Mr. Lambton's statements in regard to the published opinion of Sir John Malcolm, I should not have inserted it but it appeared to me to be so decidedly and exclusively of the latter character, so essential to the reputation of Sir John Malcolm, and so necessary for the correct understanding of the debate that I had no hesitation in publishing it as in effect part of the debate on which of course I did not offer any comment nor could I conceive that any discussion could arise from it.
>
> It is now with extreme regret that I learn that my view of the Letter is so opposed to that of the Government and I can only say with truth that had I apprehended the smallest probability that such would have been the view of the Government I would not have published the letter as my anxious desire is to interpret the Regulations according to what I believe to be the sentiments of the Government.
>
> I have & ca,
>
> Calcutta, C. B. Greenlaw,[1]
>
> October 15th, 1824. Editor of the *John Bull*.

Since the *John Bull* was considered to be the mouthpiece of the Government party in Calcutta, the apologetic tone of the letter is not surprising. In the meantime, publication of the *Calcutta Journal* had, of course, been suspended. George Ballard and John Palmer, the chief proprietors with Buckingham, had been given to understand that a new license would not be granted so long as Buckingham was in any way connected with the paper.

Ballard and Palmer then offered the editorship of the *Journal* to Dr. Muston, a son-in-law of Harrington, one of the members

[1] P.P., 21 October, No. 3 (1824).

of the Governor-General's Council. Two objections were raised by the Government. One was that as Muston was already holding an appointment as a Presidency surgeon, these duties would suffer and secondly, that as Buckingham still retained a share in the concern, the Government thought that Muston would "be constantly exposed to his influence." Although Ballard and Palmer assured the Government that they had already ascertained from the Medical Board that Muston could, without prejudice to his medical duties, take on the editorship the license was not given.[1]

When the matter of the *Calcutta Journal* came before the Court of Directors, they fully approved of Buckingham's deportation and agreed with the letter of the Bengal Government which declared "It was quite evident that he was resolved to bring the matter to issue and that further toleration would have been a virtual acknowledgement of the inability of Government to curb him."[2] But the appointment of Bryce as Stationery Clerk was characterised as "grossly improper" and, notwithstanding Adam's explanation,[3] was eventually annulled. They similarly disapproved, in due course, of Muston acting as the editor of a newspaper while he was already on their staff as a Presidency surgeon. While there were instances of plurality in Calcutta, therefore, the Court in principle, condemned the practice.

When, in due course, the subject of Sandford Arnot's deportation reached the Court of Directors they wrote to the Government in Calcutta "regretting" the action which had been taken. They pointed out that Arnot had promised, if only he had been allowed to stay, to have no connections with any newspapers and had also presented a memorial from a number of Indians praying that he be allowed to remain to teach English. Of these two facts the Court had not been informed and they asked why. In a rebuking letter it was pointed out to the Bengal authorities that the power which had been vested in the Indian Government "should be exercised with moderation and forbearance as every unnecessary or harsh exercise of it is not only injurious to the character of our Government, but tends to bring into question the expediency (which we hold to be indisputable on general grounds) of placing it in their hands."[4]

On receipt, however, of the letter from Lord Amherst and his

[1] *Home Miscellaneous Series* 533, pp. 393–4.
[2] *Home Miscellaneous Series* 533. Letter dated 15 February, 1823.
[3] ibid., pp. 126–129.
[4] *Home Miscellaneous Series* 533.

Council, explaining their reasons for deporting Arnot, the Board of Directors expressed their "satisfaction" with the answer given and Arnot had to pursue his case in London.

The Bengal authorities remained adamant in their refusal to grant a license to Dr. Muston, whether for the *Calcutta Journal* or the *British Lion* (as he proposed at one time to call the paper) so long as Buckingham might be even remotely connected with the project. Eventually, on February 12, 1824, Muston was granted a license, as editor and sole proprietor of a newspaper to be called *The Scotsman in the East.*[1] In the words of Buckingham, the new paper was "printed with my types, published at my premises, and supported by my subscribers but the profit wholly his (Muston's)." The latter did not pay "a single shilling" to Buckingham who held a half-share in the property. There were seventy co-proprietors (of whom Ballard and Palmer were the chief) and they each received a free copy of the new paper as part of the rent charge which was Rs. 2,500 per month for the use of the printing materials and the house. But Buckingham did not even receive this much though, as he said, his labour and capital had built up the concern. Muston, on the other hand, was paid a fixed salary of Rs. 600 per month with a share in any profits.

For all his vigilance, Muston was soon reprimanded for a reference to the banned subject of the liberty of the press and for a letter mentioning the operations of the British forces at Rangoon. For both these "errors of judgment" he expressed his "unfeigned regret" and was allowed to continue with the paper. Eventually, however, he sold the copyright to Mr. Smith and Mr. Lock, the proprietors of the *Bengal Hurkaru*, and the materials were sold by public auction. The £3,000 which Buckingham had left to maintain the paper had been spent in keeping the staff together during the protracted negotiations with the Government for a new license, and the proceeds of the auction were absorbed by the debts which had by now accumulated; with the result that instead of having a credit, Buckingham now owed about Rs. 27,000.[2]

In the meantime, Bombay was being stirred by the case of C. J. Fair, the editor of the *Bombay Gazette*. It had been alleged that in the issue of the *Gazette* of July 28, 1824, Fair's comments on the proceedings of the Supreme Court (which was trying a young civil servant for contempt of court because he struck an Indian usher) amounted to a reflection on the conduct of the

[1] P.P., 9 December, Nos. 1 to 8 (1824).
[2] *Home Miscellaneous Series* 533, p. 324 *et seq.*

Court and he was required to enter into a security of twenty thousand rupees on his own part and two sureties of ten thousand rupees each. These sums could not be paid and Fair was deported.[1] According to his contemporary, J. H. Stocqueler, Fair had paid "the bitter penalty of his subserviency to a clique of discontented barristers. . . . If the editor had acted from a sense of public duty, I do not believe Sir Edward (West) would have troubled himself about the matter, for he was a warm advocate of the freedom of the press, and at a somewhat later period refused to register a law controlling the press. . . . But Mr. Fair's offence was venal. He made his paper the organ of the spite of a coterie whose insolence West had punished."[2]

Elphinstone was the Governor of Bombay at the time and, having regard to his generally progressive views, his attitude towards a free press is of interest. Bishop Heber tells us:

> "With regard to the free press, I was curious to know the motives or apprehensions which induced Mr. Elphinstone to be so decidedly opposed to it in this country. In discussing the topic he was always open and candid, acknowledged that the dangers ascribed to a free press in India had been exaggerated, but spoke of the exceeding inconvenience, and even danger which arose from the disunion and dissension which political discussion produced among the European officers at the different stations, the embarrassment occasioned to Government by the exposure and canvass of all their measures by the Lentuli and Gracchi of a newspaper, and his preference of decided and vigorous, to half measures, where any restrictive measures at all were necessary. I confess that his opinion and experience are the strongest presumptions which I have yet met with in favour of the censorship."[3]

On another occasion Elphinstone maintained that "if all presses be free, we shall be in a predicament such as no state has yet experienced. In other countries the use of the press has gradually extended along with the improvement of the government and the intelligence of the people; but we shall have to contend at once with the most refined theories of Europe, and with the prejudice and fanaticism of Asia, both rendered doubly formidable by the imperfect education of those to whom every appeal will be addressed. Is it possible that a foreign government, avowedly

[1] See *Asiatic Journal*, Jan., 1825, p. 64 and Feb., 1825, p. 186, also *Home Miscellaneous Series* No. 533, pp. 663–688.

[2] *Memoirs of a Journalist*, p. 49.

[3] Heber's *Journal*, Vol. II, p. 220.

maintained by the sword, can long keep its ground in such circumstances?"[1]

In other words, the administration was at the cross-roads between naked despotism and partial responsibility.

The *Bombay Gazette* continued to be a source of annoyance to the Government and in September, 1824, the Court of Directors suggested that the Bombay Government should frame Press Regulations similar to the Adam Regulations of 1823. In consequence, a Regulation was passed by the Governor of Bombay in Council and it became law on May 11, 1825. Its object was "to afford to the public, and those who might be aggrieved by anonymous libellers, the means of discovering the proprietors, editors and printers of newspapers and other publications."[2]

In the meantime, Buckingham was taking an active part in the political discussions of the day and also in endeavouring to vindicate his character. He made requests to the Court of Directors and to the Board of Control for a new license to reside in India, but both requests were refused. After that he petitioned the Privy Council to abrogate the Adam Regulations on the ground that they were repugnant to the laws of the realm.

The authorities' defence of the press regulations is given in their *Statement of Reasons.* Spankie, their advocate who had recently returned from Calcutta where he was the Advocate-General, declared that the English who desired a free press were only a "handful," while the natives would not be fit in a thousand years, if ever, to enjoy the enlightened freedom of European minds.

Restriction, said the Company's spokesman, was the only way to handle the seditious Bengal Press, but let the arguments be set out in full as given in their own *Statement.*

REASONS:

First.—Because the said Rule, Ordinance, and Regulation of the 14th March 1823 was made by competent authority, and was rendered necessary by the abuses to which the unrestrained liberty of printing had given rise in Calcutta.

The preamble of the said Rule, Ordinance, and Regulation states, that matters tending to bring the Government of Bengal, as by law established, into hatred and contempt, and to disturb the peace, harmony, and good order of society, had recently, before the making thereof, been printed and circulated in news-

[1] *Asiatic Journal*, Vol. XIX, pp. 152–153.
[2] Judgment of Sir Edward West, Chief Justice.

papers and other papers published in Calcutta. The effect of such publications, in a country where the British rule confessedly depends upon the opinion entertained by the natives of its power, is too obvious to require any comment: prevention alone can obviate the evil; punishment by process of law comes too late.

The inevitable consequences, even of rash and injudicious though well-meant discussions, in daily and other newspapers and periodical publications, circulated (as was the case at the time the said Rule was made) not only in the English language, but in the Persian, Bengalee, and other native tongues, of all subjects of government and administration, civil, religious, military, and political, could not fail to afford matter of irritation to the Native Powers, to disquiet and unsettle the minds of His Majesty's native subjects, and thereby to endanger the security of the British Establishments in India.

Second.—Because the nature and circumstances of the British Establishments in India have required, and the Royal Charters and Acts of Parliament, under which they have been regulated, have sanctioned, a control over the conduct and a restraint of the freedom of British subjects while resident in the territories subject to the government of the East-India Company, unknown to any other foreign dependencies of this country. Even the resort of British subjects to India, and their right to reside there, have with few exceptions been placed in the discretion of the East-India Company.

That the restrictions imposed by the Rule, Ordinance, and Regulation, which is the subject of appeal, were called for by the state of affairs in the settlement of Bengal, and were adapted to the exigency of the case, and that they were not injurious to his Majesty's subjects in the said settlement, is to be inferred, from the concurrent judgment of the Supreme Government of the East-India Company and of the Supreme Court of his Majesty. It is incumbent upon the Appellant who impeaches the Regulations to manifest the impolicy or injustice of them, to the satisfaction of his Majesty in Council.

Third.—Because the said Rule, Ordinance, and Regulation had become more particularly necessary to the good order and civil government of the Presidency of Fort William in Bengal, in consequence of the removal of the practical security against the systematic abuse and licentiousness of the press, which had existed while printing was exercised only by British subjects of his Majesty, residing in India by permission of the East-India Company and its Governments, and by the censorship to which the publication of newspapers had been subject. That security ceased, when it was discovered that the ostensible conduct and legal responsibility of such publications might be transferred to

persons of a different description, natives or others, not liable to the restraints imposed by law upon the British subjects of his Majesty in India.

Fourth.—Because the restrictions in question are not repugnant to any law of the realm upon the subject. The Legislature of England has often interfered, by imposing restraints upon printing, more or less rigid. Some are now in existence: and by virtue of the statutes empowering the Indian Governments to make Regulations, they may provide for cases unprovided for by the laws of England, as the welfare of the Settlement may require.

They may make Ordinances *praeter* but not *contra legem*, provided they be reasonable; and their reasonableness must depend upon the circumstances and situation of the country to which they are applied.

J. B. BOSANQUET,
R. SPANKIE,
H. BROUGHAM,
N. C. TINDAL.

Buckingham's case, on which he based his claim that the Adam Regulations were repugnant to the laws of the realm, is a succinct summing up of the arguments against special press restrictions.

REASONS:

The said rules, orders, and regulations are likely to produce discontent in the province of Bengal, by depriving the inhabitants of all means of cultivating their minds and improving their condition. The public press in India, until the administration of the Marquis of Wellesley, is understood to have been subject to no other regulation than that of the law of England. The censorship of the press, established by the Marquis of Wellesley only affected the English newspapers, leaving the natives at full liberty to publish whatever they thought proper in their own language, being alone amenable to the law, and not under the control of the censor; but now, all sources of information or of improvement, to either his Majesty's British subjects or the natives, may be closed at the will of the Governor-General in Council, as no printed or written work of any description can be published or circulated, or be let out, or lent for perusal, unless licensed by the Government, without rendering the parties so infringing the regulation liable to a severe punishment, out of all proportion to the nature of the offence.

The forms prescribed in the said regulation for obtaining a license are said, on good authority, to be in direct opposition to the religious prejudices of the natives of India; the taking of oaths

being abhorrent to their feelings, and derogatory to their reputation among their countrymen.

The said regulations appear calculated to deprive the British, as well as the native inhabitants of India, of a right they have enjoyed ever since the establishment of the British power in India.

The said rules, ordinances, and regulations were uncalled-for and unnecessary, inasmuch as his Majesty's Indian dominions were notoriously at the time of passing the same, and had been long previous, in a state of tranquillity, external and internal, and such an exercise of power never had been resorted to, even in times of the greatest peril.

Such regulations are subversive of property, inasmuch as either British or native subjects engaged in literary business or pursuits, after obtaining a license in the manner prescribed, and embarking their whole fortune or credit in the establishment of a business, may, by the mere will or caprice of the Governor-General in Council, and without any cause being assigned, have the license withdrawn, and the circulation of every book or work for which a license had previously been obtained prohibited, and be thereby reduced to ruin, without having been guilty of any known offence, and without any means of obtaining any redress.

Such regulations tend to establish arbitrary power, and to deprive of redress any person who may be injured by an improper and illegal use of power in India.

The Government of India will be invested with a power of committing any act of oppression or injustice with impunity, as it will possess the means of stifling all inquiry or observation on the subject, by the control which may be exercised over the press by the regulation in question; and the party suffering is deprived of all practical redress in the courts of law in this country.

The regulations are contrary to law, and not in accordance with the authority given to the Governor-General and Council of Fort William in Bengal, by the 13th Geo. III, chap. 63, "from time to time, to make and issue such rules, ordinances, and regulations, for the good order and civil government of the said United Company's Settlement at Fort William aforesaid, and other factories and places subordinate or to be subordinate thereto, as shall be deemed just and reasonable; such rules, ordinances, and regulations not being repugnant to the laws of the realm."

There being no power, either by the common or statute law of the realm, authorizing the regulations in question.

THOMAS DENMAN
JOHN WILLIAMS.[1]

The opposing Counsel argued for seven hours before the Lord

[1] *Buckingham's Counsel.*

Chancellor, the Lord Chief Justice of the King's Bench, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer and thirteen other dignitaries. Their finding was that the regulations were "conformable to reason and not repugnant to the laws of the realm." A report of what transpired is to be found in the Proceedings before His Majesty's Most Honourable Privy Council in relation to the Appeal by James Silk Buckingham, Esq., against certain regulations of the Bengal Government, on the subject of the Press (London, 1824).

It was clear that Buckingham would never be allowed to return to Calcutta. His next move was to present a petition to the House of Commons for compensation for the damage he had sustained. The House of Commons was divided, and only one Tory gave his support to Buckingham.

There was, however, a growing body of opinion which shared the views of Joseph Hume (who had himself been sent from India for not holding a license) who, addressing the Court of Directors on behalf of Mr. Buckingham and Mr. Arnot, had said that:

> "He called on them as Englishmen anxious to support their honour and character, not to suffer such a system to prevail. They could not know how far misrule and misgovernment might have been carried, when the voice of complaint was not allowed to be heard. When even an Englishman could with difficulty procure just attention to his complaints in this country, what were they to think of the situation of millions in India who were subject to the whim of every tyrant who might be pleased to exercise an undue power? Who, he asked, were those who wielded power in India? Were they men who had deep experience in the world? Were they individuals of acute observation? No; they were men connected with the different departments even from their youth—men brought up as a particular caste—men reared in the East India Company and kept apart from general society. As such was the case, he implored that the court, for the sake of their character, and for the sake of justice, to let this business be thoroughly investigated. If Mr. Buckingham be wrong, let him suffer the punishment legally due for his offence; but if, on the other hand, he had been persecuted through a spirit of party feeling—if they saw a series of events taking place which were evidently pre-determined—if they found that the selected object of vengeance could not escape from the talons of his enemies—then he implored the Court to enter into a minute enquiry. Let justice be done, and let retribution fall where it ought."[1]

[1] *The Asiatic Journal*, Vol. XIX, Jan. to June, 1825, p. 72.

Contrary views were held by Sir John Malcolm who adhered to the opinion that England and India could not be compared and that the freedom of the press in the latter country was inconsistent with the absolute power which the British wielded. As for the argument that a free press would act as a check on an otherwise irresponsible government, he declared that the Court of Directors, the Board of Control, the vigilance of Parliament, the unbending severity of the law, and the freedom of the English Press formed a combination of checks that could exist in no other country.

Let us now return to Calcutta, for a number of additions were being made to the Indian Press. The first newcomer was the *Weekly Gleaner*, a newspaper of which Patrick Crichton was the sole printer and publisher. The paper was licensed on October 21, 1824, and the Board authorised the Postmaster-General to pass free of postage the prospectus and the first number.[1]

Another new paper was *The Columbian Press Gazette* for which a license was issued to Mr. Monte De Rozario on October 29, 1824. The name of this bi-weekly newspaper was subsequently changed to *The Columbian Press Gazette and Commercial Advertiser*.[2]

On January 19, 1825, we find an affidavit from Dr. Bryce for his *Quarterly Oriental Magazine, Review and Register*.[3] And the following day he applies, with A. C. Meiklejohn, for a license to print and publish the *John Bull*.[4]

Still, the high postage rates handicapped the press. Therefore, on March 22, 1825, the proprietors of the *Bengal Hurkaru*, the *Scotsman*, and the *John Bull* (Morley Smith, James Lock and A. C. Meiklejohn) wrote to Lord Amherst on the matter. They stated that they had received frequent communications from their subscribers complaining of the very great expense incurred by the postage of newspapers which had induced many to forgo their subscriptions, and suggesting, therefore, that the postage should be reduced. The signatories point out that as much as 10 annas was payable on some newspapers ("almost a prohibition") and they humbly propose that henceforth papers which pay 3 annas and a half and less daily should continue to do so and all other rates should be reduced to this uniform sum. This would, they add, cause some reduction in Post Office receipts but they fully anticipate that this would shortly be repaid by the increased

[1] P.P., 21 October, Nos. 39 to 43 (1824) and 28 October, Nos. 47–48 (1824).
[2] P.P., 4 November, Nos. 1–3 (1824), 30 December, Nos. 11–17 (1824) and 27 January, Nos. 10–13 (1825).
[3] P.P., 3 February, Nos. 1–5 (1825). [4] P.P., 3 January, Nos. 6–10 (1825).

circulation of newspapers in the mofussil. They were not desirous that the burden should fall wholly on the Government and they propose that, besides the three and a half anna rate, an extra half anna should be paid by the proprietors for every paper despatched by dawk. They then believe that the reduced revenue to Government would not exceed sicca rupees six hundred per month.[1]

The question of the freedom of the Indian Press still continued to engage the attention of the authorities in England and India. In the latter country it was now decided to relax the stringent control which had hitherto been exercised, though the constant supervision was to be maintained. The following pages deal with the Government's modified attitude.

On January 27, 1825, we find Chief Secretary Bayley writing to the editor of the *Bengal Hurkaru* drawing his attention to an article in the *Hurkaru* of January 4 headed "Serampore Grievances." The editor is informed that the Governor-General in Council has viewed with dissatisfaction the publication of this article in which the conduct and proceedings of the Danish Government at Serampore are animadverted on in a manner highly improper in itself and naturally calculated to give just cause of offence to the Danish authorities. The Chief Secretary requests that similar articles should not be inserted in the future.[2]

The editor contended that other newspapers had printed such articles and in reply Bayley states that "other articles relating to the conduct of foreign Governments in the administration of their colonies in India, and some perhaps of an objectionable tendency, may have been inserted, but they had not been brought under the official observation of Government and His Lordship in Council has not desired to notice them when they could with propriety be overlooked." He concludes, "If the letter of the Press Regulations were to be strictly enforced, almost every day would furnish cause for censure or remark; it would be easy also to multiply restrictive rules, but the Government is desirous to trust as long as it can do so with propriety to the prudence and discretion of the editors, and to interfere as rarely as regard for the public interest will admit."[3]

Here, indeed, were signs of a change in policy though in Bombay shortly afterwards (on March 2, 1825) the Governor in Council passed a "Rule, Ordinance and Regulation for preventing the mischief arising from the printing and publishing of newspapers,

[1] P.P., 24 March, Nos. 35–36 (1825). [2] P.P., 27 January, No. 9 (1825).
[3] P.P., 10 February, No. 11 (1825).

and Periodicals and other Books." But to return to Bengal, Bayley had always supported Adam in his authoritarian attitude towards the press and the change in his attitude was due to Lord Amherst's more moderate policy, as the following Memorandum from the Chief Secretary's pen shows.[1]

> 1. The orders of Government of the 5th April, 1823, imposed upon the Chief Secretary the duty of bringing under the notice of the Governor-General in Council all violations of the rules prescribed for the guidance of the proprietors and editors of newspapers and other periodical works published in Calcutta.
>
> 2. Since the first promulgation of these rules Government has seen cause to prohibit the discussion of other topics not specifically included in those rules, and censures have from time to time been officially communicated to the conductors of the papers for infringements of the rules and orders in question.
>
> 3. Many instances of a violation of the rules and orders have also occurred which have either not been formally brought to the notice of Government by the Chief Secretary or which have not appeared to Government indispensably to require that they should be officially animadverted upon. In refraining from officially bringing forward cases of the above description, the Chief Secretary has been influenced by a knowledge of the wishes and feelings of Government as explained in the following extract from a letter addressed to the editor of the *Bengal Hurkaru*:
>
> "If the letter of the Press Regulations were to be strictly enforced almost every day would furnish cause for censure or remark; it would be easy also to multiply restrictive rules, but the Government is desirous to trust as long as it can do so with propriety, to the prudence and discretion of the editors, and to interfere as rarely as regard for the public interests will admit."
>
> 4. The indulgence which has been shown by Government has in the opinion of the Chief Secretary been abused and he would not, he apprehends, be justified if he were to refrain from submitting for the consideration and orders of Government several recent instances of infringement of the existing regulations and orders, some indeed of trifling importance, but others apparently open to serious objection.
>
> 5. The instances referred to are all taken from the papers published in the course of the past month of March.
>
> 6. The annexed statements point out the paragraphs or articles more immediately alluded to, and the papers in which they are contained are circulated with this Memorandum. It will of course rest with the Rt. Hon'ble the Governor-General in Council to judge whether any and which of them require notice.

[1] P.P., 4 April, Nos. 3–7 (1825).

There then follows a tabular statement which is reproduced here to show how closely the administration watched the press.

The Scotsman in the East.

Date.			Headed.	Page.
No. 3.				
Friday	March	4th	Factions	36
Wednesday	,,	9th	We lately took occasion & ca. . .	79
Thursday	,,	17th	Commodore Hayes	154
			Recorder and Barristers at Bombay .	158
			To shew the state of Law and Law expenses & ca.	160
Friday	,,	18th	You have no doubt heard of Col. Richard's success & ca.	164
			We allude to the Oriental Herald & ca.	165
			Marquis of Hastings and the *John Bull.*	166
Tuesday	,,	22nd	But the inference is not so unwarrantable & ca.	195
			Mr. Buckingham and *John Bull* .	196
Wednesday	,,	23rd	*John Bull* announces to the World & ca.	207
			We received on Monday Evening too late & ca.	208
Thursday	,,	24th	The day before yesterday we published a letter & ca.	217
			Our brother of the *Hurkara* complains & ca.	218
Friday	,,	25th	*John Bull* in reference to & ca. .	227–228
Saturday	,,	26th	We cannot direct the attention of & ca.	238
Monday	,,	28th	On the subject of the Press & ca. .	247
Tuesday	,,	29th	The *John Bull*—Mr. Stuart's Minute	258
Wednesday	,,	30th	An article that will be found our readers will observe.	271
Thursday	,,	31st	The Medical Service—Querist .	282

The John Bull.

Date.	Headed.	Page.
March 9th	Some of our readers may recollect & ca.	3
,, 11th	A correspondence with reference to & ca.	3
,, 21st	Letter of a subscriber with Editor's note—We at length & ca.	2
,, 22nd	On the subject of the freedom of the Press.	2
,, 24th	The notice which we gave in our paper & ca.	3
,, 26th	On the subject of the freedom of the Press	2
,, 29th	The *Scotsman* of yesterday . .	3

The Bengal Hurkaru.

DATE.	HEADED.
March 12th	Military queries.
" 14th	We are glad however to see & ca.
" 16th	We cannot but express our surprise & ca.
" 17th	Replies to Military Queries.
" 23rd	But it is the Government itself & ca.
" 25th	We are glad to find that the *Scotsman* & ca.
" 31st	Replies to Military Queries.

India Gazette.

March 24th Supplement	Extracts from Hyderabad Papers: Mr. Stuart's Minute.

The Governor-General (Amherst) perused the memorandum submitted by the Chief Secretary and after referring to the passages in the newspapers which had been specified, recorded the following remarks and orders:

2. It appears to be very undesirable that the Government should frequently interpose its authority in matters relating to the periodical press, or that casual and unimportant violations of the Rules and orders furnished to the Editors of News papers should be officially noticed.

3. It has indeed been the wish of Government gradually to relax in the actual application of those rules, and to leave the Press practically under as little restraint as might prove not seriously inconsistent with the maintenance of the public interests.

4. Under this feeling various infringements of the rules and orders regarding the Press have been allowed to pass altogether unnoticed, while more important violations of the rules have occasionally subjected the Editors to censure.

5. The power however actually vested in the Government and the measures which in the instance of the *Calcutta Journal* were adopted to enforce its authority, have enabled the Government to be thus indulgent without its motives being liable to misconstruction; the Governor-General in Council has been influenced by these considerations in the view which he has taken of the Chief Secretary's Memorandum, and of the various passages selected from the News papers of the past Month which are indicated in that document.

6. The greater portion of those passages are doubtless open to objection under the printed rules for the Regulation of the periodical Press and the orders since issued, but few of them appear

to be of a nature to demand official notice, or severe animadversion.

7. The Governor-General in Council is of opinion that the most objectionable of the whole are those which refer directly or indirectly to the question of the liberty of the Press in India, to the conduct of Mr. Buckingham as Editor of the *Calcutta Journal*, and to the measures and proceedings of Government connected with those points.

8. The Government has repeatedly prohibited the Editors from inserting articles calculated to revive the discussion of these subjects, and when the Editors were apprised that they were at liberty to republish the debates and proceedings in Parliament and at the India House on those prohibited topics, they were specifically directed not to insert any remarks or comments upon them.

9th Jan. 1824. Prohibiting the insertation of articles relative to Mr. Buckingham's conduct as Editor of the *Calcutta Journal* to the proceedings of Govt. towards that individual.

9. The Editor of the *Scotsman* has nevertheless recently published several articles on these matters in violation of the rules and orders alluded to, and that too in so improper a spirit, that the Governor-General in Council would have been disposed to visit his conduct with some strong mark of his displeasure, had not the previous insertion in the *John Bull* of other articles on these prohibited topics, furnished in some instances at least an apparent plea of provocation to the former Editor. The infringement of the order by one party is in fact no justification of similar impropriety by the other and such an excuse will not in future be allowed to operate as any palliation of improprieties of the nature alluded to.

19th June, 1824 To the *Scotsman*—Prohibition against the revival of the question of the liberty of the Press.

14th Oct., 1824 To the *John Bull*—Repeating the prohibition.

10. The Editors both of the *John Bull* and *Scotsman* will be informed that Government have noticed with decided disapprobation, their infringement of the orders of Government, and they as well as the other Editors will be apprised once more that they are positively prohibited from introducing into the News papers any articles save debates in Parliament and proceedings at the India House bearing on those subjects.

11. The publication of the letters written by order of Government on matters connected with the Press must also be prohibited, and the conduct of the Editor of the *Scotsman in the East* in this respect demands censure.

12. The comments of the Editor of the *Scotsman* on Mr. Stuart's Minute relative to Hyderabad affairs are improper in themselves, and in breach of the Press rules.

13. Whether the republication in the News papers of this Presidency of the official documents regarding Hyderabad affairs shall or shall not be permitted, is a question of some difficulty, but the Governor-General in Council is of opinion, that it will be expedient to permit the insertion in the News papers of any of the documents and proceedings published at home under the vote of

the Court of Proprietors; the Editors must however be strictly prohibited from offering any comments upon them, and from inserting comments or remarks upon them from other quarters.

14. Ordered that the Chief Secretary write the following letters to the Editors of the *John Bull* and *Scotsman in the East*, and that copies of them be sent to the Editors of the other papers for their information. Sig. of W. B. Bayley,

Chief Secretary to the Govt.

To the Editor of the *Scotsman in the East:*

Sir,

No. 5. To the Editor of the *Scotsman in the East*, 4th April.

The insertion in the Newspapers and in other periodical works published in Calcutta, of articles calculated to revive the discussion of questions regarding the liberty of the Press in India, the conduct of Mr. Buckingham as Editor of the *Calcutta Journal* and the measures and proceedings of Government connected with these subjects, has been more than once positively prohibited by Government. The permission officially granted to the Editor to republish, but without comments or remarks, the debates and proceedings on those subjects in Parliament and at the India House, forms the only exception to that prohibition;

March	4th–25	Factions.
"	9th	We lately took occasion.
"	22nd	Mr. Buckingham, *John Bull*.
"	23rd	*John Bull* announces.
"	23rd	We received on Monday Evening.
"	25th	*John Bull* in reference.
"	28th	On the subject of the freedom of the Press.
"	30th	An article that will be found.
"	30th	Our readers will observe another notice.

2. His Lordship in Council observes that the orders in question have been frequently violated by you, and that the articles in the *Scotsman in the East*, noticed in the margin, afford several instances of their infringement during the past month of March.

3. The spirit and tenor of some of those articles are so objectionable, that His Lordship in Council would have been disposed to visit your violation of the orders of Government with a serious mark of his displeasure, had not the insertion in the *John Bull* of other articles on those prohibited topics furnished, in some instances at least, an apparent plea of provocation; and although the infringement of the orders of Government by one Editor is no justification for similar impropriety on the part of another, His Lordship in Council has on this occasion allowed the plea to be operated in your favor.

4. You are now again enjoined carefully to abstain in future from inserting or allowing to be inserted in the *Scotsman in the East*, any articles referring directly or indirectly to the question of the freedom of the Press in India, to the conduct of Mr. Buckingham as Editor of the *Calcutta Journal*, and to the measures and proceedings of Government connected with those subjects; the debates and proceedings in Parliament or at the India House on those subjects may nevertheless be published in the Calcutta

papers, but all comments and remarks on such debates and proceedings are prohibited.

5. His Lordship in Council has also noticed with disapprobation the publication in the *Scotsman* of the 25th ultimo of certain official letters addressed under the orders of Government to Editors of several News papers on different occasions, and you are directed to refrain not only from publishing such official letters but from noticing or alluding to them in future.

6. The comments on Mr. Stuart's Minute published in the *Scotsman in the East* of the 26th ultimo are also in violation of the printed rules issued for the guidance of the Editors; and you are prohibited from inserting in the *Scotsman in the East* any comments or remarks whether original or taken from other sources on the official papers and documents published by the Court of Directors relative to Hyderabad affairs.

7. I am directed to transmit to you the accompanying copy of a letter which has been this day addressed to the Editor of the *John Bull* and to apprise you that a copy of this letter to your address will be communicated for the information and guidance of the other Editors at this Presidency.

I & ca,
Sig. W. B. Bayley
Chief Secretary to Govt.

To the Editor of the *John Bull:*

No. 6. To the Editor of the *John Bull*, 4th April.

Sir,

In transmitting to you for your information and guidance the accompanying copy of a letter which has been this day addressed to the Editor of the *Scotsman in the East*, I am directed to apprise you that Government has viewed with great displeasure the insertion in your paper of the improper articles noticed in the margin which are all in violation of the orders communicated to you on the 9th January, May 7th, June 19th, and October 14th, 1824 & of the assurances conveyed in your letter to my address of the 8th of May 1824.

March	22nd	"On the subject of the freedom."
„	24th	"The notice which we gave in our paper."
„	26th	"On the subject of the freedom."
„	29th	"The *Scotsman* of yesterday."

2. His Lordship in Council ascribes to you the chief blame of the recent violation of those orders and of the renewed discussion of topics which you were well aware it was the wish of Government to prevent.

3. You will consider the prohibitory orders contained in the 4th & 6th Paragraphs of my letter to the Editor of the *Scotsman* as addressed to yourself.

I & ca,
Sig. of W. B. Bayley
Chief Secretary to Govt.

To all the Editors with the exception of those of the *Scotsman* and *John Bull:*

Sir,

No. 7. 6th April.

India Gazette. Bengal Hurkaru. Government Gazette. Bengal Weekly Messenger. Weekly Gleaner. Columbian Press Gazette and Comll. Advertiser. Quarterly Oriental Magazine Review and Register.

I am directed by the Right Hon'ble the Governor-General in Council to transmit to you the accompanying copies of letters addressed this day to the Editors of the *Scotsman in the East* and of the *John Bull*, and to call your particular attention to the prohibitory orders contained in the 4th, 5th and 6th Paragraphs of the former letter.

I am & ca,
Sig. of W. B. Bayley,
Chief Secretary to Govt.

On the following day (April 5, 1825), the editor of *John Bull* received a further letter from Chief Secretary Bayley stating that in the present state of the discussions with Bhurtpore, the publication in the newspapers of official documents or articles of intelligence regarding that State was considered by Government to be objectionable. Accordingly, he was directed to desire that the editor would for the present refrain from inserting in his paper the Proclamation referred to in the *John Bull* of that morning as well as other articles connected with the affairs of Bhurtpore or with the military movements in that quarter.

Similar warnings were sent to the editors of the *India Gazette*, the *Bengal Hurkaru*, the *Government Gazette*, the *Bengal Weekly Messenger*, the *Weekly Gleaner* and the *Scotsman.*[1]

A few months later Monte D. Rozario, the proprietor and publisher of the *Columbian Press Gazette* was the subject of the Government's censure. On September 19, 1825, he was warned that the advertisement "To East Indian Readers" and the editorial remarks which followed it in the issue of the *Gazette* of April 16 were in direct violation of the Press Rules and as other articles published by him from time to time had been equally inconsistent with the rules in question, the Right Hon'ble the Governor-General in Council warned the editor against any further violations.[2]

Then again, on May 26, 1826, Secretary Lushington writes to Rozario stating that the Governor-General in Council considers that the editorial comments contained in the *Columbian Press Gazette* of that day on the subject of the official correspondence with the late Sir David Ochterlony constituted a breach of the Press Rules and a violation of the respect due to Government.

[1] P.P., 14 April, Nos. 1 and 2 (1825). [2] P.P., 22 September, No. 1 (1825).

The letter further states that an alleged extract from the Secretary's letter dated October 1, 1824, is garbled and "essentially erroneous" and that the signature attached to it is fictitious. In conclusion the writer refers to the previous warning and adds that any repetition of the offence would be followed by the infliction of the penalty prescribed by the Press Rules.[1]

As usual a copy of this letter was sent for information to the proprietors and publishers of all the other English newspapers in the Presidency. But Rozario had the habit of defending his actions and he replied the next day saying that the disrespect complained of was not intentional and that the object of the writer was not to assail the Government, but to defend the reputation of a gallant officer now no more. He adds that the extract which was alleged to be garbled, was taken from a pamphlet which had for some time been circulating in private circles.[2] A few days later (June 8, 1826) Rozario writes to the Government informing them that he had received a letter from a correspondent complaining of the non-insertion of the continuation of the correspondence connected with the late Sir David Ochterlony which he was induced to omit in consequence of his understanding of Secretary Lushington's letter. He enquired, therefore, whether the publication of the remainder of the correspondence would be deemed disrespectful to Government. Somewhat surprisingly, Lushington replied the next day saying that it was not the intention of the Governor-General in Council to prohibit the publication "of the remainder of the erroneous and incomplete correspondence" contained in the pamphlet from which the extracts were taken.[3]

Subsequently, Rozario became the proprietor of the *Bengal Chronicle* of which Mr. James Sutherland was the editor; and the license for the *Columbian Press Gazette* was duly cancelled.[4]

It was not long before the *Bengal Chronicle* also met with the disapproval of Government. Chief Secretary Lushington notes, on August 8, 1826, that since his appointment to his present office he has observed numerous passages in the daily papers constituting in his judgment a breach of the Press Regulations, but, knowing it to be the desire of Government to extend every reasonable degree of indulgence to deviations from the strict letter of the Rules, he has hitherto refrained from reporting any instance of their infraction. The publication, however, of an article headed "The

[1] P.P., 1 June, No. 1 (1826).
[2] P.P., 1 June, No. 2 (1826).
[3] P.P., 15 June, Nos. 1–2 (1826).
[4] P.P., 22 June, Nos. 30–34 (1826).

Press and the Privy Council" on Sunday, the 6th instant in the *Bengal Chronicle* has left him no option. "From the first period of the Licentiousness of the Periodical Press at this Presidency becoming a subject of discussion, the Chief Secretary cannot recollect any article in the Calcutta Prints comprising so gross an insult on public authority as the contumelious attack on the Privy Council contained in the Paper above specified."

The Note continues: "That high tribunal (the Privy Council) on the occasion of its deciding against the application for the repeal of the Bye Law is characterised as having been 'packed,' the Judges who sat in the Privy Council at the time are described as 'ignorant' of the principles and Philosophy of Law and inimical to the 'liberties of mankind,' and the solemn consideration of the matter in the Privy Council is designated 'a judicial humbug.'"

The Chief Secretary then points out that the Press Regulations forbid "Observations or Statements touching the character, constitution, measures or orders of the Court of Directors, or *other Public Authorities in England connected with the Government of India*. . . . etc., etc." The article in question, a copy of which is appended to the Note, is undoubtedly a disrespectful and racy description of the Privy Council Bench and the Chief Secretary could have quoted many further lurid passages.[1]

Rozario is therefore censured, on August 11, for the "most offensive attack on the solemn decision of the Privy Council" and is warned that the Vice-President in Council (Amherst was absent on a visit to the Upper Provinces) would have proceeded to enforce the utmost penalty if the present had not been the first occasion on which the Government had been called to notice a violation of the Regulations in the *Bengal Chronicle*. In giving him (Rozario) the benefit of this indulgent view, the writer warned him that any future wilful violation of the regulations would subject him to the loss of his license.

Copies of this letter were sent to the proprietors of the *India Gazette*, the *Bengal Hurkaru*, the *John Bull* and the *Quarterly Oriental Magazine*.

In a further letter dated August 16, 1826, Lushington reminded Rozario that if in future it was considered necessary to forfeit his license, this action could only be ascribed to his own conduct and that of the editor employed by him.[2]

To this warning Rozario replied, trusting that his Lordship in

[1] P.P., 17 August, Nos. 1 and 2 (1826). [2] P.P., 17 August, No. 9 (1826).

Council would at least give him credit for sincerity when he expressed his deep regret that by the insertion of remarks which had been deemed to be offensive, he should so nearly have brought down upon himself a visitation that would have been so ruinous. He submitted that whatever might now be the view of the Government in regard to the construction of the Press Regulations, for many months past a latitude of discussion had been admitted. Since the administration of the Marquess of Hastings, not only had the question of the liberty of the Indian Press been freely and repeatedly agitated in every newspaper in the settlement, but the measures of the existing administration and the public character of the Governor-General in Council had been discussed during the period referred to with a degree of freedom that appeared to be limited only by the feelings of the writers themselves. He added that no paper could hope for success, more especially when advocating liberal politics, which did not avail itself of the license thus permitted. Though he had before him the very clause which he was alleged to have violated, he could not discover any prohibition of remarks such as he had published. This was his opinion, but he would obey the commands of his Lordship and refrain from any agitation on the question of the liberty of the Indian Press.

The following year ill-health compelled Rozario to give up business and Samuel Smith became the printer and publisher of the *Bengal Chronicle*. He was the proprietor of the *Bengal Hurkaru* and he sought, and gained, permission to publish the joint papers as the *Bengal Hurkaru and Chronicle*.[1]

On January 15, 1828, David Drummond and H. L. V. D. Rozario applied for, and received, a license to publish a monthly magazine called the *Kaleidoscope*.[2]

In order to preserve the sequence of the discussions on the freedom of the press we have had, perforce, to postpone reference to the press activities at Serampore. The missionaries were business men as well as evangelists, as the following correspondence shows. Writing to the Government on February 8, 1826, John Marshman states that about eight years ago

> "desirous of seconding the enlightened views of Government for the improvement of the natives, we established a weekly newspaper

[1] P.P., 27 April, No. 48; 31 May, Nos. 41 and 42; 4 October, Nos. 2 and 3 (1827) and 10 January, Nos. 1 to 3 (1828).
[2] P.P., 24 January, Nos. 87–89 (1828).

(*Sumachar Durpan*), the first ever published in Bengal. On our transmitting information of the undertaking to the most Hon'ble the Marquis of Hastings, then Governor-General, His Lordship was graciously pleased to honour it with his approbation. From that period to the present it has been continued from week to week without interruption but at a loss of several thousand rupees, owing to the backward state of civilization in Bengal and to our having borne all the expense of postage from the beginning.

The paper is devoted chiefly to the publication of Indian news and it is our object to give such a representation of passing events as shall tend to strengthen the allegiance and loyalty of the native community. To Asiatics we add as much European intelligence as we think will be interesting and such other notices from time to time as may tend to enlarge the sphere of observation among the natives and prepare them for participating in the interest of those events which are transacted in other countries. As all the other native papers in Calcutta invariably reprint our political intelligence verbatim the tone of the *Sumachar Durpan* on the most important subjects is diffused to a wider extent than that of its own circulation.

Under the circumstances we should esteem an act of great condescension if your Lordship (Amherst) would permit it to become the vehicle for a more extensive publication of the regulations of Government which may in future be enacted. In this case your Lordship would highly enhance the value of this indulgence by authorising two copies of the paper to be sent weekly at its subscription price of one rupee each per mensem, free of postage, to each of the public officers and courts in Bengal, of which I have ventured to add a list, subject, however, to the revision of Your Lordship in Council. The advantage to the country of thus giving additional publicity to the regulations in a periodical paper, will not fail to strike your Lordship in as much as it will afford the greatest facility to any native to acquire at a trifling expense, the laws by which he is to be governed and remove further excuses for being ignorant of them. But though it be possible that in the lapse of time such an arrangement might benefit the paper, I should be loath to accept any Government subscription on the ground of pecuniary advantage to this Establishment and the only plea on which I would rest this humble request is the hope that your Lordship in Council may deem the benefit of the proposed publication fully adequate to the inconsiderable monthly outlay which it would involve."

Marshman then gave a list of one hundred and four officials to whom the paper might be sent.

Lushington, the Chief Secretary to Government, replies on

February 16, 1826, stating that in the judgment of the Governor-General in Council the plan of circulating the regulations of Government in the province of Bengal by means of the Bengalee newspaper published at Serampore would prove of considerable public advantage. It does not appear necessary, however, that the paper should be circulated in duplicate as was proposed but his Lordship in Council authorised him (Marshman) to send a single copy of the newspaper in question, free of postage, to each of the public offices and courts enumerated in the list, which was a revision of the one sent by Marshman.

It was resolved by the Government that a copy of Marshman's letter and the reply thereto should be sent to the Persian Department for consideration whether it would be feasible for the Government to invite Mr. Marshman to prepare a Persian version of his newspaper with a view to its being circulated in such provinces where such a publication would be likely to be acceptable and useful.[1] Marshman replied to Lushington on March 4 expressing the warmest thanks of his colleagues and himself for the Governor-General's "fresh mark of his condescension."[2] As for the Persian newspaper, the following letter from A. Stirling, the Persian Secretary to the Government, tells its own story.

> To the Reverend J. Marshman.
> Sir,
>
> With reference to the correspondence which has already passed between us I am directed to acquaint you in preparing a Persian version of your Bengalee newspaper, the Right Hon'ble the Governor-General in Council has resolved to subscribe Rs. 160 monthly to that undertaking, which will enable the Government to receive 160 copies from such date as you may commence the publication.
>
> 2. His Lordship in Council relies confidently on your assurances that all objectionable matter shall be carefully excluded from the paper; that you will spare no pains to render it acceptable to the native reader as regards style, and useful in respect to information.
>
> 3. You are authorised to distribute the above copies of the Persian paper free of postage in the following manner, viz.:
>
> To the three Revenue Boards and to the Judges, Collectors, Joint Magistrates and Sub-Collectors throughout the Bengal Presidency, one each.
>
> The following Colleges, 6 each, viz.: Delhi, Agra, Benares, Madressa of Calcutta, Calcutta Hindoo College.

[1] P.P., 16 February, Nos. 53–56 (1826). [2] P.P., 9 March (1826).

The remaining copies are to be sent to the Persian Office.
Fort William — I have & ca,
7th April, 1826 — A. Stirling.[1]

We now come to a reference to the first Hindi newspaper; on February 9, 1826, Joogul Kishore Sookool applies for a license to publish a weekly newspaper "in the Hindi language and Deo Nagari character to be entitled the *Oodunt Martund.*" He was to be the publisher and Munnoo Thakoor the printer.[2] The license was granted and then Joogul Kishore Sookool requested that, as he was desirous of circulating his paper as widely as possible and to the utmost extent of the British Dominions in the East, he would respectfully solicit that the first eight numbers be allowed to pass from the General Post Office free of charge into the mofussil "where most of my countrymen reside in order that they may be informed of the existence in Calcutta of such a Nagaree paper as the *Oodunt Martund.*" He adds: "I will scrupulously attend to the regulations of Government regarding the better conduct of the papers in Calcutta and it will be my prime object to instil into the minds of my readers a reverence for the reigning power in India." The Governor-General in Council did not accede to the request to circulate eight issues free of postal charges, but said that the Postmaster-General would be authorised to permit the first or any single number of the paper to pass free of charge to the stations in question.[3]

Joogul Kishore Sookool was evidently faced with a formidable struggle and less than a year later we find him writing to the Government stating that the pecuniary advantage derived from his paper hardly covers the expense of the establishment which he employs on a most economical scale for printing, much less to compensate him for the trouble as editor. He continues that the possibility of an improvement in the circulation of the paper is by no means probable owing to there being but few persons in the city who read the language in which it is published. The Upper Provinces and "countries remote from hence" are the places where his potential readers reside, but as the charges for postage are heavy, they are obliged to refrain from subscribing to the paper. He, therefore, takes the liberty of bringing this subject to the notice of Government in the hope that should they liberally wish to promote the knowledge of the language amongst their

[1] P.P., 14 April, No. 43 (1826). [2] P.P., February, Nos. 57–61 (1826).
[3] P.P., 29 June, Nos. 64 and 65 (1826).

military officers and to give publicity to their regulations amongst their subjects in the Upper Provinces, His Lordship in Council might perhaps deem it requisite to preserve the continuance of the paper by means of conferring on him the same indulgence which has been granted to the editor of the Bengalee paper styled the *Sumachar Durpan*, by allowing his paper to be distributed throughout the country free of postage excepting to private subscribers to whom he trusted the Government would allow the papers to be sent at quarter postage as was the rule with other papers. He concludes that, on his proposition being approved by His Lordship in Council he would be ready to publish in the newspaper in question the translations of the Regulations that might in future from time to time be enacted by Government as also of the requisite general orders, and every week forward copies of them to the several Government officers and the military stations in the Western Provinces at the rate of sicca rupees two per month for each of the officers. The writer then enumerates two hundred and three Government officers to whom the paper might be sent.

Unfortunately for this enterprising pioneer, the Governor-General in Council briefly replied that his request could not be complied with.[1]

Better fortune awaited Hurree Hur Dutt, the proprietor of the *Jami Jehan Numa* who wanted his publication to be accorded the same postal facilities as the Serampore newspapers. Here is his picturesque letter of application.

No. 34
From
Hurree Hur Dutt,
To
Simon Fraser, Esq.,
Officiating Secretary to Government in the Persian Department.

Sir,

Impressed with the strongest conviction of the benevolent and philanthropic disposition of the Government in the most humane, laudable and honorable exertions that have been made and are making under their favourable auspices for the intellectual and moral improvement of their Native subjects, and the lively interest that they so graciously take in the amelioration of the condition of those very subjects, I feel strongly assured that the solicitation which I am about to submit respectfully through

[1] P.P., 8 March, Nos. 71–75 (1827).

your kind recommendation to the liberal and benevolent consideration of His Lordship the Vice-President in Council, will most assuredly be granted, as it has the tendency and scope of promoting the interests of literature.

As the sole Proprietor of the Persian and Oordoo Newspaper now published under the appellation of the *Jami Jehan Numa*, I beg leave most respectfully to represent to you for the purpose of its being brought under the favourable notice of Government that the circulation of the above publication has been hitherto materially impeded and obstructed even in spite of my best exertions and efforts to extend it in consequence of its being liable to payment of full Postage, which has indeed restrained many intending subscribers in the mofussil from patronizing the said News Paper; whereas the Bengalee and Persian News Papers denominated the *Sumachar Durpan* and *Uhkbara Seerampore* enjoy the privilege in common with English News Papers of paying one fourth of the established postage demandable from the *Jami Jehan Numa;* a circumstance which has alone most essentially conducted to the augmentation of the very extensive circulation which those Papers now respectively enjoy.

But as the Paper conducted by me is in no respect inferior to its above named contemporaries, but, on the contrary, I may respectfully venture to affirm, without being guilty of exaggeration, that it is by far much superior to them in point of diction, matter, execution & ca. a fact which the Government will easily be convinced by their gracious condescension in directing these several Publications to be contrasted with each other, for which purpose, I beg leave to submit herewith a number of my Newspaper, as you are an eminent scholar and consequently an excellent judge of the oriental Languages. I further beg leave to submit the point of superiority to be determined by your judgment you will therefore be graciously pleased to represent to Government whether my publication is or is not fit to be placed at least on an equal footing with the *Sumachar Durpan* and *Uhkbara Seerampore* in regard to payment of postage, and if you are of opinion that it is deserving of that distinction and privilege that you will be so obligingly kind as to recommend to Government to extend their liberal consideration to the *Jami Jehan Numa* by causing it to be put on the same footing as the above named News Papers concerning the payment of Postage and by this gracious, benevolent and liberal act of the Government I feel persuaded the circulation of my paper will be much extended beyond its present obstructed and limited circle.

Calcutta Colootollah — I have etc,
The 13th October, 1826. — Huree Hur Dutt.[1]

[1] P.P., 25 October, 1826.

To this request the Government replied:

No. 35.
To
Huree Hur Dutt,
Sole Proprietor of the *Jami Jehan Numa.*
Sir,
I am directed to acknowledge the receipt of your Letter of the 13th Instant and in reply to inform you that the Right Honorable the Vice-President in Council has been pleased to comply with your request, and the necessary orders will be issued to the Post Master General to forward your Paper at the same rate of Postage as the other Native News Papers.

Persian Office, I have & ca,
20th October 1826. Signed—S. Fraser,
Deputy Persian Secy to Govt. in charge.

We now pass to another aspect of the Company's policy in regard to the press; their servants were, in future, to cease their connections with newspapers. This decision was the result of an incident in Bombay where Mr. Francis Warden, a Member of the Council of the Governor of Bombay, who had been Press Censor for about fifteen years, was the owner of the *Bombay Gazette* and of the *Bombay Courier*. Mr. Warden alleged (in a printed letter signed by himself) that the Judges of the Supreme Court of Bombay had furnished the *Oriental Herald* (which Buckingham was conducting in London) with a statement insinuating that he, Warden, had unfairly used his power as a newspaper proprietor.

Sir Edward West, Chief Justice of Bombay, in declaring that the suggestion was groundless, pointed out that Mr. Warden, as a newspaper proprietor, was answerable both civilly and criminally for the contents of the paper but as his charter exempted him from all criminal responsibility in the Courts of India, it was extremely improper that a Member of Council should be the proprietor of a newspaper. Both the Governor (Mountstuart Elphinstone) and Mr. Warden complained to the Court of Directors, the former taking the opportunity to deny officially that there was any connection between the Bombay Government and the newspapers in question.

The following is an extract from a Dispatch from the Hon'ble the Court of Directors in the Public Department dated 30th December, 1825, in this connection.

Para. 4.
"We hereby issue our positive prohibition against any person

in our service, either Civil, Naval or Military, Surgeons and Chaplains included, connecting himself with any newspaper or other periodical journal (unless devoted exclusively to literary and scientific objects) whether as Editor, sole proprietor or sharer in the property. This order we shall enforce, if necessary, by dismissing from our service those who may be immediately warned that if the connections are not dropt within six months after notice so given they shall be held liable to the consequences of a breach of this prohibition which you will publicly promulgate for the information of Our Servants. You will also report to us the names of the Parties to whom this injunction may apply."

The prohibition was to apply to Bengal, Bombay and Madras.[1]

This was not the culmination of the differences which had existed for some time between the Government and the Supreme Court of Bombay for, when the former proposed a new law requiring the printers and publishers of newspapers to possess licenses, revocable by the Governor, the Supreme Court demurred. Sir Edward West and Sir Charles Chambers were both of the opinion that the present circumstances did not warrant such a restriction on the liberty of the subject. Sir Ralph Rice, the third Judge declared that the system of licensing was repugnant to the law of England but was willing to defer to the opinion of the Governor. In consequence, the Regulation was disallowed though it had been recommended by the Court of Directors (as a result of the Privy Council's decision against Buckingham) that the law in Bombay and Madras should be brought into line with that in Bengal.

The Bombay Government was much annoyed but on January 1, 1827, a Regulation restricting the establishment of printing presses and the circulation of books and papers was passed by the Council, as will be seen later.

The decision of the Company prohibiting their servants from being connected with newspapers became known in Calcutta in May, 1826, and the Government immediately circularised the newspapers requesting the names of their editorial and printing personnel as well as the names of the proprietors. Two prominent journalists were thoroughly dismayed. As minister of the Kirk of St. Andrew, Dr. Bryce was a Company chaplain—but he was also the proprietor of the *Quarterly Oriental Magazine* and part proprietor of *John Bull*. Mr. Sergeant Grant, another Company

[1] See *Home Miscellaneous Series* 534, pp. 333–6 for application to Madras.

official, was also the editor and part proprietor of the *India Gazette.* So these gentlemen approached the Government and so far as Bryce was concerned the correspondence shows that had he not been a chaplain, he could have pursued a successful career as a merchant.

In his letter to Secretary Lushington on May 18, 1826, Bryce enquires whether the Government's orders of May 11 go to prevent a servant of the Hon'ble Company from having property in a printing press and its materials or in a house occupied by a press. Secondly, whether they also go to prevent the servant from *writing* in the pages of a newspaper or magazine "*not purely literary and scientific*" where he is neither a proprietor nor editor and from receiving payment for the employment of his talent. Thirdly, he enquires whether property in a newspaper or magazine may be held in trust by one, not a Company servant, for the benefit and advantage of one who is.

To these queries the Government replies on May 25 that the orders of the Hon'ble the Court of Directors positively prohibit any person in the Hon'ble Company's service either civil, naval, or military, surgeons and chaplains included, from connecting himself with any newspaper or other periodical journal (unless devoted exclusively to literary and scientific objects) whether as editor, sole proprietor or sharer in the property. It is impossible specifically to define the extent of the application to every case which ingenuity might propound. The exact interpretation, therefore, of the orders in question must be left to the parties to whom they are directed and who are bound to a conscientious observance of their spirit under the responsibility declared by the Hon'ble Court. The Governor-General in Council, therefore, declines to give a precise reply to Bryce's first and second queries. But with regard to the third (whether property in a newspaper or magazine might be held in trust by one, not a servant, for the benefit and advantage of one who is) the Government understands the prohibition of the Hon'ble Court undoubtedly to comply in spirit to that case.[1]

In reply Bryce writes (July 12, 1826) that in view of the order of the Hon'ble Court of Directors he has no alternative left but to abandon an undertaking which he commenced with the knowledge and sanction of the Government of which he had the honour to be a servant and he respectfully intimates that he is prepared to comply with the commands conveyed to him.

[1] P.P., 25 May, Nos. 53–54 (1826).

He adds, however, that he had looked forward to this work as a source of income for the support of his family since his allowances as a chaplain barely enabled him to meet the expenses to which his situation necessarily exposed him. He further declares that he was not only encouraged, but invited by individuals of respectability in Calcutta to undertake the work which a higher authority was now calling upon him to abandon. *The Oriental Magazine* had been established for more than three years and a half and it stood indebted to him to the sum of five thousand rupees. In giving further details of the financial position of the *Magazine*, Bryce values it at thirty-thousand rupees and says that he is prepared to lay before the Government a statement of the outlay and proceeds of the work and satisfy his Lordship in Council that the valuation he puts upon the property is fair and equitable. He then claims remuneration for the loss he will suffer but if compensation is not authorised, he wishes his application to be regarded in the light of a protest against the order "stripping him of his property without a fair remuneration" for the loss he must sustain; and he wishes his application to be forwarded to the Hon'ble Court of Directors.[1]

This letter had considerable effect on the Government for, on July 20, 1826, Lushington replies that Bryce's representation had induced the Governor-General in Council to inspect the advertisement prefixed to the first volume of the *Quarterly Oriental Magazine* and also some of the subsequent numbers and he was directed to inform him (Bryce) that His Lordship in Council had been pleased—in view of the literary character of the publication which appeared, on consideration, to bring it substantially within the extent authorised by the Hon'ble Court—to resolve that the *Quarterly Magazine* be excepted from the operation of the orders in question pending reference which was to be made on the subject to the Hon'ble Court of Directors.[2]

There yet remained Bryce's connection with *John Bull* and it could not be maintained that it was anything but a political organ. Therefore, on May 9, 1827, he wrote to the Government saying that in view of the Company's regulation prohibiting their servants from holding property in newspapers, he had divested himself of the greater proportion of the property he held in the *John Bull* newspaper, at a very heavy loss to his own interest, and that he had made it over to his brother-in-law. He adds, however, that a part of his property is still vested in the paper. It was invested originally

[1] P.P., 20 July, No. 39 (1826). [2] P.P., 20 July, No. 40 (1826).

with the knowledge and sanction of the Government of which he had the honour to be a servant. The annual receipts of the newspaper amounted to sicca rupees 76,000 and the value of stock, consisting of presses, types, stationery, etc. could not be taken at less than sicca rupees 35,000. The outstanding debts amounted to sicca rupees 40,000. Bryce adds that he holds one-third share in "this valuable property," and he begs leave to solicit that the sum of Rs. 80,000 be paid over to him from the Public Treasury in respect of the property which he would make over in full to the Hon'ble Company in such a manner as His Lordship in Council might be pleased to point out. If the Government did not comply with his request, he asks for permission to hold his property in the *John Bull.* Should, however, His Lordship offer him no alternative but the loss of his property or the loss of his situation in the Service, necessity might compel him to choose the former, but he would respectfully beg to intimate that if reduced to this necessity, he would submit to it under protest, reserving to himself his right and title to try the legality of the measure should he at any future time be advised so to do.[1]

Whether the Government was surprised at this letter is not recorded, but three weeks later (May 31, 1827), Lushington replies that under the circumstances stated by Bryce, the Right Hon'ble the Vice-President in Council was pleased to permit him to continue his connection in the *John Bull* as part proprietor until the result of a reference to the Hon'ble Court of Directors which would be made without delay has been made known.[2]

A similar indulgence had been granted to the editor of the *India Gazette* the previous August.[3]

The controversy dragged on, but eventually the Court of Directors decided that their servants should not be allowed to hold shares in newspapers and Grant and Bryce were informed, in March and April, 1829, that they could not continue their respective connections with the *India Gazette* and *John Bull.* David Lister and George Pritchard were thereupon granted a license to conduct the *John Bull* newspaper.[4]

This controversy is of considerable interest since, as will be seen later, it was one which was to recur periodically.

Let us now turn to the misfortunes of the *Calcutta Chronicle.* This journal was established in the beginning of 1827, and was published three times a week; William Adam, a Unitarian Minister

[1] P.P., 31 May, No. 238 (1827).
[2] P.P., 31 May, No. 240 (1827).
[3] P.P., 31 August, No. 42 (1826).
[4] P.P., 2 April, Nos. 72–81 (1829).

was the editor and Villiers Holcroft (also printer of the monthly *Indian Magazine or Miscellany of General Literature*[1]) was the printer.[2] Adam was known for his outspokenness and the paper had not been long in existence when (in May) Lushington wrote to its conductors to say that the general tenor of the contents of the *Calcutta Chronicle* having been for some time highly disrespectful to the Government and to the Hon'ble Court of Directors, and the paper of the 29th instant having published several paragraphs in direct violations of the press regulations, the Vice-President in Council had resolved that the license be cancelled and it was, therefore, cancelled from that day.

Copies of this letter were immediately sent to the proprietors of the *India Gazette*, the *Bengal Hurkaru*, the *John Bull*, the *Bengal Chronicle* (of which William Adam had previously been the editor), and the *Government Gazette*. A notification revoking the license of the *Calcutta Chronicle* was then ordered to be printed in the *Government Gazette* and circulated to all the Calcutta magistrates.[3]

It is clear from the subsequent records that the Government had no intention of allowing the *Calcutta Chronicle* to be revived in any guise. Apparently, a Mr. S. P. Singer would have bought the property but when he applied to the Government for a license to establish a newspaper to be called the *Calcutta Herald*, he was informed that the Vice-President in Council "did not think it proper" to comply with his request.

Adam himself asked the Government to reconsider its decision, but they were not agreeable and the *Chronicle* was suppressed. At this point fifteen of the paper's compositors, evidently believing in self-help, addressed a letter to the Government stating that they had no other means of livelihood and asking for a license to establish a new paper. They stated that they had made the request without any previous communication with either the proprietor or the editor of the *Calcutta Chronicle*. Whether the Government believed this statement is not discoverable, but they declined to comply with the compositors' request.[4]

Later (on June 13, 1827), Mr. Singer renewed his application for a license and added: "I would respectfully submit that the avowed object with which the press regulations were reconsidered in the Supreme Court was to afford Government power of checking or entirely suppressing such discussions as it may deem

[1] P.P., 6 April, Nos. 62–63 (1826).
[2] P.P., 25 January, Nos. 64–68 (1827).
[3] P.P., 31 May, Nos. 174–179 (1827).
[4] P.P., 7 June, Nos. 76–83 (1827).

improper and not the power of cramping an institution or enterprise." But he again failed.[1]

Then Mr. P. S. D. Rozario applied (June 20, 1827) for a license to establish a newspaper to be called *The Oriental Recorder* but the request was refused. It evidently became known to Rozario that the Government suspected his connections with the *Calcutta Chronicle* for on June 22, 1827, he wrote to Lushington stating that he had no connection whatsoever with the *Calcutta Chronicle* press and that he had had no communication with Mr. Sutherland regarding the paper he intended publishing and that his motive for wishing to publish the *Oriental Recorder* was to assist his elder brother who owned a printing concern. The Government, however, saw no reason to alter its decision and there the matter, apparently, ended.[2] It may be remarked that in their dealings with the *Chronicle* there was none of that indulgence which caused them to warn other editors before they inflicted the extreme penalty.

We hear of Villiers Holcroft, the printer, again when on September 26, 1828, he was granted a license to print a daily newspaper, entitled *The Calcutta Gazette and Commercial Advertiser*. It may also be mentioned here that, on February 7, 1828, Emmanuel Robam had received a license to publish a periodical denominated *The Gospel Investigator*.

Matters were not going well for the Serampore missionaries, and on May 23, 1828, the Government decided to discontinue the subscriptions it had hitherto been making to their Persian and Bengalee newspapers (see page 153). This decision was taken at the time of great financial stringency following the failure of several of the leading Calcutta mercantile houses. Apparently, the opinion of the Government had also undergone a change for, on April 25, 1828, Stirling, the Secretary of the Persian Department, writes that "Their Persian Akbar is conducted in a very poor style and can be little valued by native readers of any class." It was also decided to discontinue the Government subscription to the *Jami Jehan Numa* and the editors concerned were informed that the measure was "founded on the necessity for the observance of the strictest economy during the existing pressure on the public finances."[3]

During the last years of his regime, Lord Amherst had tried to take a lenient attitude towards the press. At first he had been dominated by the civil service, with its traditions of autocratic rule.

[1] P.P., 14 June, Nos. 80–83 (1827). [2] P.P., 28 June, Nos. 1–2 (1827).
[3] P.P., 23 May, Nos. 60–61 (1828).

But according to J. C. Marshman, who was in a position to observe the Governor-General's development, when he left India "he was complimented by the journals in Calcutta 'on the liberality and even magnanimity with which he tolerated the free expression of public opinion on his own individual measures, when he had the power to silence them with a stroke of his pen.' "[1]

Lord Amherst was succeeded for a brief period by William Butterworth Bayley but when, in 1828, Lord William Cavendish Bentinck came to Calcutta as Governor-General, the Serampore missionaries attempted to persuade the Government to reconsider their decision.

In a letter, dated October 8, 1828, Dr. Marshman points out that their Bengalee newspaper has been in existence for ten years and that for some two years the Government had patronised it by ordering the Regulations of Government to be printed in it and by subscribing to the journal for the various Government offices. Later they extended their patronage to the Persian newspaper. Owing to the Government's decision to withdraw their subscriptions, it had been necessary to abandon the Persian paper and a similar fate seemed to be in store for the Bengalee version. So many letters of regret had been received from the Upper Provinces that Dr. Marshman writes to enquire whether some modification of the Government's previous support would be compatible with the demands of the public service.

> "Our object in these undertakings was not pecuniary profit. Many years must elapse, and a great revolution take place in the propensities of the Natives before such an undertaking can yield pecuniary advantage. But the publication weekly of intelligence from all parts of the world, interspersed with remarks calculated to correct error and abate prejudice, appears an object of such moment to the ultimate civilisation of these provinces, that we would cheerfully continue the undertaking, even at a trifling loss. Having enjoyed opportunities of ascertaining that the perusal of the papers has been silently aiding the cause of improvement, and that in many a little circle through the country a spirit of enquiry has been stirred up, we cannot admit the idea of relinquishing a plan which promises so rich a harvest of benefit without the greatest reluctance. Should Your Lordship be pleased to sanction a subscription for the same number of copies at any *reduced* rate which may appear justifiable, we shall again be enabled to prosecute the undertaking with vigour.
>
> With reference to the editorial principle of the paper, we can

[1] *History of India*, by J. C. Marshman, Vol. II, p. 411.

appeal with confidence to Your Lordship's colleagues for a testimony of the strict faith with which we have adhered to our original resolution of admitting nothing calculated to irritate the Native mind, and nothing on the subject of Indian politics which was not calculated to confirm the stability of the British sway."

Dr. Marshman repeats the suggestion that a great advantage would be conferred on the Persian newspaper if the Government would allow it to circulate free of postage.[1]

The missionaries must have been very disappointed when they received the Government's reply to this letter:

> "The Governor-General in Council duly appreciates the importance and usefulness of your endeavours to excite a spirit of enquiry and to disseminate knowledge among the natives of India, through the medium of newspapers in the Persian and Bengalee Languages; but the Government having deliberately come to a resolution of withdrawing its pecuniary support from those papers scarcely a month previous to His Lordship's arrival, His Lordship in Council feels precluded at the present moment from renewing the public subscription, under any modification which would answer your purpose: more especially as the grounds on which the above resolution was formed viz.: the necessity of introducing rigid economy into every branch of the public expenditure, still exist in the fullest force.
>
> The objections to allowing the Persian newspaper to circulate free of postage, although of a different character, are scarcely less weighty than those which oppose compliance with your application for direct assistance, and the Governor-General in Council regrets therefore that it is not in his power to extend encouragement to your undertaking in either of the modes suggested in your letter.
>
> Fort William — I have & ca,
>
> 29th November, 1828. — A. Stirling."[2]

In the meantime the Bombay Government had strengthened its powers against the press. On January 1, 1827, the Governor in Council passed Regulation XXIV "for restricting the establishment of printing presses and the circulation of printed books and papers." This regulation provided that presses could not be established without licenses which could be recalled by the Government; that all printed works should contain the names of the printer and the place of printing; that any breach of these regulations should be punished by a fine not exceeding one thousand rupees which might be commuted to ordinary imprisonment for a period not exceeding six months.

[1] P.P., 29 November, No. 53 (1828). [2] P.P., 29 November, No. 54 (1828).

The Governor was also given power to prohibit the public circulation of any book or paper within the province of Bombay which infringed certain conditions. And anyone defying the ban was liable to punishment by fine or imprisonment.

To return to London, the unfortunate but enterprising Buckingham failed in most of his attempts to have amends made for the damage he had suffered; appeals to the Court of Directors, the Board of Control, and Parliament were equally fruitless. He was already reaching the general public through the columns of the *Oriental Herald* (which, as we have seen, he first published in January, 1824, as a monthly periodical at five shillings a copy) and he now decided to extend his approach through the medium of the platform. It should not be thought that Buckingham was friendless in his appeals for justice. On the contrary, he had friends —in the Court of Directors, in Parliament and elsewhere—who gave him their full measure of support. The *Asiatic Journal* (containing the Proceedings of the Court of Directors) records the speeches of Douglas Kinnaird, Joseph Hume, Sir Charles Forbes and Col. Leicester Stanhope, supporting not only a man they strongly felt to have been treated unjustly but one who had a definite contribution to make to political life. Indeed, Stanhope declared that "with the exception of Edmund Burke, Lord Cornwallis, Lord Hastings, . . . and Mr. Mill no man had conferred greater benefits on the people of India . . . than this said persecuted Buckingham." Moreover, Lord Hastings also let it be known that he did not approve of Buckingham's deportation.

In October, 1826, Buckingham was the successful plaintiff in a libel suit against William John Bankes, junior, who had alleged that Buckingham's book, *Travels in Palestine*, was founded on stolen material; an accusation on which Buckingham's enemies founded many of their charges. The Jury awarded him £400 damages.

Fifteen months later, in January, 1828, the energetic journalist started the *Athenæum* with the object of bringing serious literary criticism to bear on the masses of books which were being turned out by the printing presses, partly as a result of wider education and partly owing to the increase in wealth as a consequence of industrial expansion. Shortly after its inception, Buckingham handed the paper over to others while he concentrated on his demand (in the columns of the *Oriental Herald*) that the Company's Charter should not be renewed, and that the eastern trade should be free and open to all.

Naturally, the merchants of Liverpool, Manchester, Glasgow, Leeds, Sheffield, and other industrial centres welcomed the new champion since they were crowded out of the eastern markets by the Leadenhall Street monopolists. Some estimate of Buckingham's oratorical ability may be gauged from the fact that he charged two-and-sixpence admission fee to his meetings—and made money.

Having acquired some East India Company stock and, therefore, the right to speak at meetings of Proprietors, Buckingham was now to take a step forward in his public career by becoming a Member of Parliament. His public meetings had already established for him a reputation as an orator, and his advocacy of Radical measures which were then agitating the minds of Progressives, led his supporters to look upon him as an ideal Parliamentary representative. Sponsored by a number of leading merchants, Buckingham became a Parliamentary candidate, advocating extended education and franchise, the abolition of slavery, self-determination for the Colonies, free trade, a secret ballot, the sale of ecclesiastical and Crown lands, and world peace. On December 14, 1832, he was elected one of Sheffield's two Parliamentary representatives in the first Reformed Parliament.

In England one of the most important items of legislation which was to come before the new Parliament was the renewal of the East India Company's Charter. Since 1830, select committees had been considering the affairs of the East India Company, but it was not until June 13, 1833, that the Government introduced their bill for the renewal of the Company's Charter. This time it was extended for twenty years, but it contained the important provision that the Company's property was to be eventually transferred to the Crown in return for such a sum as Parliament might determine. Moreover, the new measure opened certain of the political and military services of the Indian Government to natives of the country, raised the Governor-General of Bengal to Supreme Authority and extended the legislative powers of the Supreme Council. It was no longer necessary for intending emigrants to secure licenses to reside in India since the right to reside and hold lands in that country was granted to all His Majesty's subjects.

Buckingham opposed the proposed measure on various grounds, the chief being that it failed to recognise the political rights of the people who were being held in subjection. At that time, he pointed out, any purchaser in England of £500 of the Company's stock had more influence on the government of India than the

most able Indian. But Buckingham was advocating a point of view which was far in advance of his age and almost beyond the comprehension of members of the old school of thought. Adam, for example, who was described as being a man of "singular modesty" would have been aghast at such proposals. His friend and colleague, Charles Lushington, wrote in his *Memoir*, after Adam's untimely death on the voyage to England, that he "was animated by an intrepid consciousness of rectitude, which no mean fear of responsibility could diminish, no clamour of unpopularity could intimidate."[1] But his rectitude was that of the autocrat; and Buckingham, and those who thought like him, believed that autocracy must give way to democracy.

[1] *A Short Notice of the Official Career and Private Character of the late John Adam, Esquire*, by Charles Lushington (1825), p. 10.

CHAPTER SEVEN

CHRONOLOGICAL TABLE

1823 Lord Amherst, Governor-General; Raja Ram Mohun Roy deprecates establishment of Sanskrit College.

1824 Mountstuart Elphinstone, Governor of Bombay, advocates teaching of the English language.

1835 Macaulay's Minute urges the use of English in preference to Sanskrit and Arabic; Governor-General Lord Bentinck concurs.

CHAPTER SEVEN

THE ENGLISH LANGUAGE

LITERARY, and not political, considerations govern the next phase of newspaper development. With several institutions in existence, mostly under missionary inspiration, the problem of education was now reaching formidable proportions. In 1823 the East India Company began to establish Committees of Public Instruction and from thenceforward surveys for mass education were undertaken. With this new step there soon developed conflicting opinions on the rival merits of teaching through the medium of the classical languages, Sanskrit and Arabic, on the one hand and English on the other. The situation at this period has been aptly summed up by an experienced educationalist:[1]

> "The authorities began by patronising the ancient form of learning. They then awoke to the illiteracy of the masses, set forth enthusiastically to establish common schools and then recoiled at the magnitude of the task. But they did not return to the encouragement of the Sanskrit and Arabic lore—although these forms of education were not abandoned without a struggle. The same year (1823) which witnessed the commencement of surveys and plans of mass education witnessed also a decisive step in the policy upon which the more enlightened servants of the Company, despairing of the attempt to diffuse vernacular instruction, were now to embark. The controversy between the Orientalists and the Anglicists had in reality already begun and it only remained for the views of the latter to assert themselves in a practical manner."

Lord Macaulay, who in 1835 was the Legal Member of the Executive Council, is generally held responsible for weighting official opinion in favour of the Anglicists. But those representing this school of thought had a powerful ally in Raja Ram Mohun Roy who was himself a Sanskrit scholar. In 1823 he had written to Lord Amherst in the following terms and the administration placed great importance on his views. Referring to the projected use of monies for a Sanskrit College, he declares:

> ". . . While we looked forward with pleasing hope to the dawn of knowledge thus promised to the rising generation, our hearts

[1] *Selections from Educational Records*, Part I, by H. Sharp, p. 77.

were filled with mingled feelings of delight and gratitude; we already offered up thanks to Providence for inspiring the most generous and enlightened of Nations of the West with the glorious ambitions of planting in Asia the Arts and Sciences of Modern Europe.

We now find that the Government are establishing a Sangscrit school under Hindoo Pundits to impart such knowledge as is already current in India. This Seminary (similar in character to those which existed in Europe before the time of Lord Bacon) can only be expected to load the minds of youth with grammatical niceties and metaphysical distinctions of little or no practical use to the possessors or to society. The pupils will there acquire what was known two thousand years ago, with the addition of vain and empty subtleties since produced by speculative men, such as is already commonly taught in all parts of India.

. . . The Sangscrit system of education would be the best calculated to keep this country in darkness. . . ."[1]

In March, 1824, Mountstuart Elphinstone, Bombay's enlightened Governor, had summed up his views on the teaching of English and the general subject of education in a Minute that deserves to be as widely known as Macaulay's Minute. He was writing at a time when the Bombay Government had just taken over a large tract of Maratha country and his views became, substantially, the keynote of British educational policy in India. He wrote:

"If English could be at all diffused among persons who have the least time for reflections, the progress of knowledge by means of it would be accelerated in a two-fold ratio, since every man who made himself acquainted with a science through the English language would be able to communicate it in his own language to his countrymen. At present, however, there is but little desire to learn English with any such view. The first steps towards creating such a desire would be to establish a school at Bombay, where English might be taught classically, and where instruction might also be given in that language on history, geography, and the popular branches of science . . . If it is difficult to provide the means of instruction in the higher branches of science, it is still more to hold out a sufficient incitement to the acquisition of them. The natives being shut out from all the higher employments in their own country, neither feel the want of knowledge in their ordinary transactions nor see any prospect of advancement from any perfection of it to which they can attain; nor, can this obstacle be removed until, by the very improvement which we are now

[1] *Education of the People of India*, by G. Trevelyan, pp. 65–71.

planning, they shall be rendered at once more capable of undertaking public duties and more trustworthy in the execution of them. In the meantime their progress must be in a certain degree forced and unnatural, and for this reason must require more assistance on the part of the Government than would be necessary in a better state of society. . . .

I can see no objection that can be urged to these proposals except the greatness of the expense—to which I would oppose the magnitude of their object. It is difficult to imagine an undertaking in which our duty, our interest, and our honour are more immediately concerned. It is now well understood that in all countries the happiness of the poor depends in a great measure on their education. It is by means of it alone that they can acquire those habits of prudence and self-respect from which all other good qualities spring; and if ever there was a country where such habits are required, it is this. We have all often heard of the ills of early marriages and overflowing population; of the savings of a life squandered on some one occasion of festivity; of the helplessness of the Rayats which renders them a prey to moneylenders; of their indifference to good clothes or houses, which has been urged on some occasions as an argument against lowering the public demands on them; and, finally, of the vanity of all laws to protect them when no individual can be found who has spirit enough to take advantage of those enacted in their favour. There is but one remedy for all this, which is education. . . .

If there be a wish to contribute to the abolition of the horrors of self-immolation and infanticide, and ultimately to the destruction of superstition in India, it is scarcely necessary now to prove that the only means of success lie in the diffusion of knowledge. In the meantime, the dangers to which we are exposed from the sensitive character of the religion of the natives, and the slippery foundation of our Government, owing to the total separation between us and our subjects, require the adoption of some measure to counteract them, and the only one is, to remove their prejudices and to communicate our own principles and opinions by the diffusion of a rational education. . . .

With regard to the education of the poor, that must, in all stages of society, be in a great measure the charge of the Government. Even Adam Smith (the political writer, of all others, who has put the strictest limits to the interference of the Executive Government especially in education) admits the instruction of the poor to be among the necessary expenses of the sovereign. . . .

It is observed that the missionaries find the lowest castes the best pupils. But we must be careful how we offer any special encouragement to men of that description. They are not only the most despised, but among the least numerous of the great divisions

of society; and it is to be feared that if our system of education first took root among them, it would never spread further, and that we might find ourselves at the head of a new class superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainments would always induce us to prefer them. Such a state of things would be desirable, if we were contented to rest our power on our army or on the attachment of a part of the population, but is inconsistent with every attempt to found it on a more extended basis.

To the mixture of religion even in the slightest degree with our plans of education I must strongly object. I cannot agree to clog with any additional difficulty a plan which has already so many obstructions to surmount. I am convinced that the conversion of the natives must infallibly result from the diffusion of knowledge among them. Fortunately, they are not aware of the connection or all attacks on their ignorance would be as vigorously resisted as if they were on their religion. The only effect of introducing Christianity into our schools would be to sound the alarm, and to warn the Brahmins of the approaching danger. Even that warning might perhaps be neglected as long as no converts were made; but it is a sufficient argument against a plan that can only be safe as long as it is ineffectual, and in this instance the danger involves not only the failure of our plans of education but the dissolution of our empire. . . .

"I come now to the question whether considering the establishment of the college (at Puna), without reference to the conciliation of the people, it was desirable for its own sake to encourage the learning of the country. It must be clearly understood that the question is not whether we are to encourage Brahmin learning or European learning, but whether we are to encourage Brahmin learning or none at all . . . When once the college had become an established place of resort for Brahmins, it would be easy to introduce by degrees improvements into the system of education, and thus render the institution a powerful instrument for the diffusion of civilisation. . . .

"At no time, however, could I wish that the purely Hindu part of the course should be totally abandoned. Surely it would be a preposterous way of adding to the intellectual treasures of a nation to begin by the destruction of its indigenous literature; and I cannot but think that the future attainments of the natives will be increased in extent as well as in variety, by being, as it were, engrafted on their own previous knowledge, and imbued with their own original and peculiar character."

Elphinstone further observed that in four years only two books in an Indian language had been published, and even these

were translations from Sanskrit. He declared "the principal cause of this delay had no doubt been the extreme slowness of printing in India, at least in Bombay."[1]

It will be seen, therefore, that the controversy between the Anglicists and the Orientalists had been in existence for some years before Lord Macaulay committed his trenchant views to paper. Indeed, the personnel of the first Committee of Public Instruction, appointed in 1823, differed on the matter and various arguments were presented both for and against the use of English as a medium of instruction. In addition, the Court of Directors in London were far from convinced that the study of the sciences as found in Oriental books was not "worse than a waste of time." This scepticism called forth the rejoinder from the General Committee of Public Instruction that "To diffuse a knowledge of these things, language and law especially, cannot therefore, be considered a waste of time, and with unfeigned deference to the Honourable Court, we most respectfully bring to their more deliberate attention that, in the stated estimate of the value of the Oriental sciences, several important branches appear to have escaped their attention."[2]

The dispute continued for about twelve years; Lord Macaulay's famous Minute of 1835 finally settling the matter in favour of the Anglicists. As Legal Member of the Government of India and Chairman of the Council of Education, he summed up his picturesquely expressed views by saying:

> ". . . English is better worth knowing than Sanscrit or Arabic, that the natives are desirous to be taught English, and are not desirous to be taught Sanscrit or Arabic, that neither as the languages of law nor as the languages of religion have the Sanscrit or Arabic any peculiar claim to our encouragement, that it is possible to make natives of this country thoroughly good English scholars, and that to this end our efforts ought to be directed.
>
> ". . . I conceive that we have at present no right to the respectable name of a Board of Public Instruction. We are a Board for wasting the public money, for printing books which are of less value than the paper on which they are printed was while it was blank—for giving artificial encouragement to absurd history, absurd metaphysics, absurd physics, absurd theology—for raising up a breed of scholars who find their scholarship an encumbrance

[1] See *Selections from the Minutes and other official writings of the Hon. Mountstuart Elphinstone, Governor of Bombay.*

[2] See *Sixth Report from the Select Committee on Indian Territories,* 1853, Minutes of Evidence, p. 18.

and blemish, who live on the public while they are receiving their education, and whose education is so utterly useless to them that, when they have received it, they must either starve or live on the public all the rest of their lives. Entertaining these opinions I am naturally desirous to decline all share in the responsibility of a body which, unless it alters its whole mode of proceedings, I must consider, not merely as useless, but as positively noxious."[1]

"I give my entire concurrence to the sentiments expressed in this Minute." Thus did the Governor-General, Lord William Bentinck, give his assent to the new policy advocated by Macaulay.

In one respect, however, the two contending parties were agreed. As Macaulay wrote:

"In one point I fully agree with the gentlemen to whose general views I am opposed. I feel with them that it is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern—a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the Western nomenclature and to render them by degrees fit vehicles for conveying knowledge to the great mass of the population."[2]

The principle thus expounded came to be known as the "filtration" theory. A hundred years of it in practice have led some educationalists to question its truth. Similar doubts have arisen as to the wisdom of the adoption of the English language as the medium of instruction—as we shall see later.

Some authorities of to-day would agree with the following words: "The true principle in my opinion is that of leaving the natives to choose their own courses of education and encourage all equally on the part of Government making it our business to give them the direction to the science and good taste in literature which the superior lights of Europe ought to enable us to bestow. Any deviation from this principle of free choice and equal encouragement can only do mischief to the cause by exciting feelings of distrust and perhaps irritation."[3] These sentiments were those of Mr. H. T. Prinsep, the leader of the Orientalists on the Committee of Public Instruction of 1835, himself a member of the Secretariat

[1] *Selection from Educational Records*, by H. Sharp, Pt. I, pp. 116–7.
[2] Minute of 1835.
[3] Minute by H. T. Prinsep dated 20th May, 1835.

and an opponent of the young Macaulay, then in his thirty-fifth year.

The Anglicists of a hundred years ago, however, thought otherwise and while the schools for Oriental learning were continued, the translations of the English classics into Sanskrit and Arabic were discontinued and English was adopted as the medium of instruction in the higher schools and colleges.

CHAPTER EIGHT

CHRONOLOGICAL TABLE

1829 *Suttee* abolished in Bengal.

1830 Growth of Bengalee and Persian Press; First Burmese War; enforcement of "Half-Bhatta" order; Sir Charles Metcalfe's independent viewpoint; *suttee* abolished in Bombay and Madras.

1833 Company's Charter renewed; growth of press in various languages; slavery abolished in British colonies.

1835 Calcutta journalists petition for abolition of press rules.

CHAPTER EIGHT

AWAKENING OF PUBLIC OPINION

LORD BENTINCK'S rule as Governor-General marks a turning point in the history of the Indian Press. Though his period of office as Governor of Madras had not been very successful, the determination with which he pursued his progressive policy when serving in the supreme office, must naturally eclipse his earlier failure. The abolition of suttee and thuggism, his reorganisation of the administrative offices and his endeavours to spread the knowledge of English stand as permanent memorials to the credit of Bentinck.

Hitherto we have been concerned with ideas and principles and it is necessary at this stage to try and assess the extent of the influence of the newspaper press by a reference to the circulation figures of the five Calcutta journals which were in existence in September, 1828. It should be mentioned that the figures which are appended only apply to the newspapers which were circulated through the Post Office and that they, therefore, take no account of the copies which must have been delivered locally by *peons*. Another point which must be borne in mind is that, owing to their cost and the high rate of postage, single copies of newspapers would be read by numerous readers. Even with this caution, however, some surprise may be felt at the limited circulations and it may be wondered why the various administrations attached so much importance to the influence of the press. The figures are contained in an official Minute dated September 24, 1828, and signed by G. Stockwell.

Daily Papers.

Bengal Hirkaru:

Weekly: 1089. Average daily, 155 of which one is daily sent to the address of a Native at Santipore.

John Bull:

Weekly: 1432. Average daily, 204 of which one is daily sent to a Native at Jungypore.

Twice a Week Papers.

India Gazette:

Weekly: 561. Average 280 of which one is sent to a Native Parsee at Bombay.

Government Gazette:

Weekly: 595. Average daily 297 of which seven are sent to Natives, viz: one to Lucknow, Chandernagore, Burdwan, Cawnpore, Santipore and Moorshedabad.

Calcutta Chronicle:

Weekly: 397. Daily 189, none of which is sent to Natives.

Persian:

Issued every week: 26, of which 9 are sent to Natives, viz.: to Aurangabad, Rungpore, Benares, Futtehgurh and Gwalior one each and to Lucknow and Delhi two each.

I have reason to believe that out of the five numbers sent to W. Ainslie at Bundelcund, several are for Natives, the independent Rajahs perhaps who are under him as Political Agent.[1]

Lord Bentinck was interested in the extent of the influence of the press and the above summary and the letter which follows were the result of his enquiries. Mr. Stirling's letter is a recapitulation of the material which has been quoted already but, as a contemporary opinion of the press in Indian languages, it is of interest.

Saturday.

My Lord,

In reply to the questions contained in your Lordship's letter, I have the honor to submit the following brief account of the state of the Native Press on this side of India.

From 1824 to 1825/26 there were altogether six Papers published in Calcutta, in the Native languages, viz. 3 Bengallee, 2 Persian and 1 Hindee besides two by the Serampore Missionaries, one in Persian and the other in Bengallee. Of the former, the Hindee and 1 Persian Paper were given up in 1826/27 for want of support and I believe that the Serampore Missionaries have been obliged to discontinue their publication since June last when the Government subscription was withdrawn as a measure of retrenchment. The Public subscription to the remaining Persian Newspaper called the *Jam Jehan Nooma* was at the same time discontinued and it owes its present existence, on an inferior footing as to types and paper, entirely to the patronage of a few English Gentlemen, myself included who attach importance to the circulation of these Papers, as a means of diffusing knowledge and exciting a spirit of inquiry and reflection among the Natives of India.

It may be considered quite certain that a Native Newspaper in

[1] P.P., 6 January (1829).

the present state of India Society, is a luxury for which there is no real demand beyond the limits of Calcutta, and that consequently few or no copies will find a sale in the interior, when the Editor is left to his own resources without any assistance from Government, or its Officers.

The Papers in the Bengallee Language have always flourished because they find abundant supporters in that large class of the Hindoo population of Calcutta who have become imbued to a certain extent with English tastes and notions, and amongst the rest a love of news, which is thus supplied to them in a cheap and accessible form. Their contents are limited chiefly to notices of Shipping, Prices Current, Appointments, Police Reports, Proceedings in the Supreme Court and descriptions of Suttees. They rarely touch upon politics whether foreign or domestic, and never exhibit any original remarks or speculations, excepting occasionally in defending the practices of Suttee, against the animadversions of some European Editor.

The Serampore Papers partook of much the same character (with exception of course to what is said of Suttee) but the selection of articles of intelligence was more judicious and varied, and better calculated to impart useful and instructive information.

The *Jam Jehan Nooma* which I consider to be the best Native Newspaper that has yet appeared never contains any original matter. Each number presents a few articles well translated from the English Calcutta Papers, and an abstract of the intelligence from the several Courts of Hindoostan, as given, often very inaccurately and always most imperfectly in those genuine native sources of intelligence, the *Akhbars*. Its merit therefore, such as it is, consists entirely in the Editor's judicious selection of articles from the English News Papers, and the style in which his translations are executed. The English articles being taken chiefly from the Paper called the *Hirkarah*, it occasionally happens that the pages of the *Jam Jehan Nooma* present remarks which savour of criticism or censure of the measures of Government, but on the whole the Editor evinces great propriety and discretion, in abstaining from the introduction of comments and observations at variance with the spirit of the Press regulations. Notwithstanding all the extraneous support which this publication still receives it seems to be sinking and I doubt whether it can stand much longer, because in the mofussil an article of the sort is not wanted, and in Calcutta, Persian is not a language generally understood or cultivated by those classes who alone feel interested in acquiring a knowledge of passing events, and whose tastes have been somewhat elevated and improved by their intercourse with Englishmen. It is to be feared that the poverty of our native subjects, beyond the limits of the Presidency operates generally

speaking nearly as forcibly as their want of curiosity to indispose them from affording encouragement to native Newspapers.

I have the honor to be & ca,
Sd. A. Stirling.

We now revert to the question of policy. It was revived, towards the end of 1828, when it was necessary to appoint a Superintendent of the Government Press. The most suitable candidate was Mr. Grant who, it will be recalled, was a Company servant and, therefore, ineligible. Lord Bentinck, however, considered it desirable to depart from the Orders of the Court of Directors and Grant was appointed. The Governor-General was supported in this decision by Sir Charles Metcalfe, a member of his Council who had seen distinguished service in northern India and whose name will always be remembered in connection with the freedom of the press. Landing in India as a youth of sixteen, he had a keen understanding of the country and its problems and, by the time he became a member of the Governor-General's Council he had achieved many conspicuous administrative successes. His views on the connection of the Company's servants with the press are, therefore, of considerable importance and are given in full to illustrate how different was his mentality from that of his colleague, Bayley. Writing on the subject of Grant's appointment, Metcalfe says:[1]

"I have the honour to concur in the Governor-General's proposal for the nomination of Mr. Grant to be Superintendent of the Government Press and I trust that the reasons which induce His Lordship to recommend the deviation from the Orders of the Court of Directors will satisfy the Hon'ble Court of its expediency.

"I cannot refrain from availing myself of this opportunity to express my regret at the tenor of those Orders which entirely exclude the Servants of the Company from any share in the exercise of the power of the Press.

"That no person in high official station should have any share in the profits of a Newspaper or any connection whatever with the Political Press, seems to be perfectly proper and unquestionable.

"But that the only class of persons who feel any interest in the Company's Government should be utterly precluded from the employment of their talents in the operations of the Press, appears to be very impolitic.

"The press in India, although not free from restrictions, is sufficiently free to make it desirable that it should not fall exclusively into the hands of those who, however loyal as British subjects, are disaffected towards the Hon'ble Company; and that

[1] Minute by Sir C. T. Metcalfe, Bart., 29 December, 1828.

it will be generally engrossed by such persons must be the natural effect of precluding the Servants of the Company from taking any share in it.

"Since the enactment of the local law, by which newspapers are printed under a license, revocable at pleasure, the Proprietors, and Editors being responsible for the contents, it has been found expedient to admit a considerable latitude of discussion; nor can this be avoided without adopting one of two courses; either employing the extreme measure of extinction on every construed breach of regulation which would be harsh, and excite popular disgust, or entering into a continual expostulatory and inculpatory correspondence with the editors, which would be quite derogatory and disreputable to the Government, and much more likely to bring it into ridicule and contempt, than any freedom of discussion.

"I take it as universally granted that the Press ought to be free, subject, of course, to the laws, provided it be not dangerous to the stability of our Indian Empire.

"Should it ever threaten to become so, the local Government ought undoubtedly to possess the power of protecting the safety of the State against this or any other danger, from whatever quarter it may come, because it is impossible, in this distant region, that we can be protected on emergency, by any enactments of the Legislature of the mother country.

"But at present there is no symptom of danger from the freedom of the Press, in the hands of either Europeans or Natives, and the power being reserved to provide for the public safety against any danger by which it may at any time be menaced, to crush what is itself capable of great good from an apprehension that it may possibly, under circumstances as yet unconceived, be converted into an evil, would be a forecast more honoured in the breach than the observance.

"Arguing, therefore, on the supposition that the Press is already in some degree free, and that it is not desirable to strangle its growing liberty, the exclusion of the Company's servants from taking a share in the exercise of the power which that engine wields appears to me to be the very reverse of expedient; and I much regret that the orders of the Court of Directors have not left employment in the Press open to all their servants, excepting those in high official stations, and especially to gentlemen in the medical line, on the indispensable condition that such employment should not be allowed to interfere with the due discharge of public duties.

C. T. Metcalfe."

With the broadening of public interests yet more papers were

being established. Monte D. Rozario again appears on the newspaper scene with his application for a license to print a weekly newspaper, *The Calcutta Domestic Retail Price Current and Miscellaneous Register*.[1] In course of time this title was found to be too cumbersome and it was abbreviated.

Another newspaper which was to become prominent was *The Bengal Herald or Weekly Intelligencer*, established by Robert Montgomery Martin, a surgeon, and Neil Rutton Holdar. The paper was a weekly and was printed in English, Bengalee, Persian and Nagari character. Martin was later to become famous for his interest in the affairs of the King of Oudh and his association with Raja Ram Mohun Roy and the plans for the latter's mission to England. The license to print the *Bengal Herald* was applied for on April 29, 1829.[2] A few months later the paper was to meet with the disapproval of Government.

Editors were still being cautioned against publishing seditious articles. On August 6, 1829, Chief Secretary Swinton writes to Martin, in connection with the *Bengal Herald*, expressing the displeasure with which the Governor-General perused Martin's editorial comments on the General Orders which comments, it was stated, "contained matter calculated to excite a spirit of mutiny and discontent in the minds of the European soldiery to whose worst passions the mischievous and mistaken notions inculcated in that article are addressed." The editor was cautioned against indulging in similar observations in future and a copy of the letter was transmitted for information to the proprietors of the *Government Gazette*, the *India Gazette*, *Calcutta Gazette*, the *Bengal Hurkaru and Chronicle* and *John Bull*.

It may be mentioned here that Lord William Bentinck had known only too well, when he was Governor of Madras, the events which had ultimately led to the Mutiny of the Madras Officers in July, 1809, and he was always highly nervous of any inflammatory literature being circulated amongst the army—as we shall see again later.

Martin replied, however, disclaiming the motives attributed to him by the Government and averring that his comments were addressed to the British Parliament and that they were directed by a principle very different from that ascribed to him.[3]

We may now turn to Bombay and the difficulties of the editor

[1] P.P., 4 December, Nos. 63–69 (1828).
[2] P.P., 5 May, Nos. 114–117 (1829).
[3] P.P., 11 August, Nos. 47–49 (1829).

of the *Bombay Gazette*. He had published a letter from a correspondent, who signed himself "A Briton," referring to the Government's censure on the editor of the *Bengal Herald*. The writer reminds his readers that the Governor-General (Bentinck) had invited useful suggestions for the improvement of India and comes to the conclusion that

> "there is something rotten at the *core* of our Indian System of Government! Else how is it that whoever comes from the land of freedom to govern abject and humiliated India, arms himself, sooner or later against the indulgence of freedom of expression in those persons placed under his control . . . While America, by the freedom of her institutions has grown up into a great Nation, from a thinly populated colony, since the East India monopoly commenced and Great Britain has more than trebled her agricultural produce and twice quintupled her trade and manufactures, India, in the hands of monopolists, has actually retrograded in every branch of industry; and all this to gratify a company of merchants in England whose exclusive monopoly prevents men of capital from settling in the provinces, and expressing their ingenuity in improving and bringing out the hidden resources of this country . . . This is no time for sending independent editors to England, by way of China, and blasting the prospects of industry's exertion. The time is now drawing near, and you, Mr. Editor, and every editor who is not a sycophant, ought to direct the attention of the Indian community and the British people and Parliament to the expiration of the monopoly under which India groans. Tell them, and you will tell them truly, that they ought now to bring to light every local act of mistaken policy, or mismanagement, and have a true statement of facts laid before the British Legislature. It is this disclosure which makes Indian tyrants dread the liberty of the Press. . ."[1]

This was too much for the Bombay Government and the acting Chief Secretary wrote to the editor to inform him that the letter was deemed by the Hon'ble Governor in Council to be "an open and bold infringement of the Rules for the Press" and should he again transgress them, measures of severity would be taken against him.[2]

At the same time the Bombay authorities wrote to Fort William informing the Government there of the matter and saying

> "In bringing these proceedings to the notice of the Right Hon'ble the Governor-General in Council, I am directed to state to you,

[1] P.P., No. 1707 (No. 6), Bombay, 1829.
[2] P.P., No. 1707 (No. 7), Bombay, 1829.

for the information of His Lordship in Council, that however much the Governor in Council should deplore the necessity of sending the Editor to England, should he not attend to the serious warning now conveyed to him, the refusal of His Majesty's Court of Law at Bombay to register the Licensing Act, has left Government without any option between this extreme measure, or submitting patiently to have its rules infringed and its authority defied.

"Under such circumstances, the most mature deliberation has satisfied the Governor in Council that it will be better, in a case like the present where the highest authorities in India as well as those in England are attacked, in direct violation of established rules, to come to issue at once than to encourage a man in the Editor's situation to further offences by misplaced indulgence."[1]

Another subject of correspondence between the Fort William and the Bombay authorities was that of the postage rates of newspapers. As will have been seen, there was separate provincial accounting of postage revenue and it was still customary for postal packets to be paid for on receipt. This meant that the Post Office had to undertake work on credit and suggestions were frequently made regarding methods of meeting possible deficiencies. One proposal from Fort William was that all the newspaper proprietors should enter into a joint bond with the Government undertaking to make good any deficiency that might be found to exist in the Revenue under total "Newspaper Collections" at the end of two years. Some of the proprietors, however, objected to the idea of being made collectively responsible and the Government entered into separate bonds.[2]

This period saw a great awakening in public opinion, partly on account of Lord Bentinck's reform measures, especially the abolition of suttee. On April 8, 1830, Marcus Rochfort applied for a license to publish weekly *The Mirror of the Press or the Political and Literary Register*.[3]

Another new newspaper was the Bengalee *Bungoe Dooth* (*Banga Dut*) (April 10, 1830) with which Robert Montgomery Martin and the reformers, Dwarkanath Tagore, Prasanna Kumar Tagore and Raja Ram Mohun Roy were associated. It was published in two languages, Bengalee and Persian.[4]

On August 17, 1830, Sheikh Allimullah applied for a license to publish a Persian and Bengalee newspaper to be called the

[1] P.P., No. 1707 (No. 5) 12 September, 1829.
[2] P.P., 4 May, No. 89 (1830).
[3] P.P., April (1830).
[4] P.P., April (1830).

Samachar Subha Ranjendro.[1] Bengalee newspapers were numerous and here is a list of those which were already in existence (in 1830). There were three dailies: the *Prabhakar*, the *Chandraday* and the *Mohajan Durpan;* one tri-weekly, the *Bhaskar;* two bi-weekly, the *Chandrika* and *Rasaraj;* seven weekly, the *Gyandarpan*, the *Banga Dut*, the *Sadhuranjan*, the *Gnyan Sancharini*, the *Rasasaguev*, the *Rangpur Bartabahu* and the *Rasha Mudgar;* two bi-monthly, the *Nitya Dharmanaranjika* and the *Durjan Daman Maha Nabam;* and lastly, the monthly publication, the *Tatwa Bodhini.*[2] At the same time there were thirty-three English papers in Bengal, including the dailies and all other periodical publications; and the total number of subscribers to English newspapers in Calcutta was calculated to be 2,205.

At this period Bombay newspapers were also rapidly gaining in influence. A vivid contemporary picture of the Bombay press is given by J. H. Stocqueler in his *Memoirs of a Journalist*. In 1827 he had founded a paper, the *Iris*, so named because he intended that "it should be of as many hues as the rainbow." In an effort to attract popular attention, he did his best "to invite sedition, and encourage discontent, but all to no purpose." At this time a controversy was in progress amongst the Parsees regarding the correct method of calculating their calendar. A celebrated savant, Dastur Mulla Firoz, who had been to Persia, was of the opinion that the Bombay Parsees were incorrect in their calendar calculations by a period of one month. As a result of this difference of opinion, two sects were formed, the *Kadmis*, who followed the Mulla, and the *Shahanshahis*, who adhered to the old method. Stocqueler, as he relates in his *Memoirs*, took advantage of the controversy by opening the columns of the *Iris* to the exponents of both viewpoints. He had now reached the turning point of his fortunes and, in his own words, "the *Iris* had become a force."[3]

Just as the controversy over *suttee* in Calcutta gave rise to a number of Bengalee newspapers, so did the calendar question among the Parsees cause the inception of two periodicals in Gujerati in Bombay. The *Kadmis* established the *Ebtal-e-Kabiseh* while their opponents started the *Akhbar-e-Kabiseh;* publications which were short-lived. The habit of discussion amongst Parsees received an impetus as a result of this controversy and the community began to take a deep interest in public affairs and the

[1] P.P., 7 September, 104–5 (1830). [2] *Annual Return* for 1830.
[3] pp., 61–2.

press. In September, 1830, Naoroji Dorabji Chandaru established the Gujerati weekly, the *Mumbai Vartman.* The name of this paper was changed after thirteen months to *Mumbaina Halkaru ane Vartman*, and it became a bi-weekly.

The *Gazette* and the *Courier* had been in existence, as we have seen, since the end of the eighteenth century. One of the proprietors of the latter paper was Mr. Bell of the Bombay Council and when the East India Directors instructed their officers to cease connection with the public press, Stocqueler bought Bell's interest in the *Bombay Courier.* Under his editorship the paper flourished and he gathered round him a brilliant staff of writers. "The younger contributors included two ensigns, who were better known afterwards as Sir Alexander Burnes and Sir Henry Rawlinson. Burnes ascended Mount Aboo, and wrote a glowing description of the exploit and of the temples. Rawlinson perpetrated original poetry, and translations from Hafiz or imitations of Horace. The tastes of both officers were refined, and evinced that passion for Oriental literature which, ardently pursued, led to their official elevation."[1]

At this time the periodicals of Bombay also included the *Chronicle*, the *Commercial Advertiser* and the *Oriental Christian Spectator*, the last of which was established by Dr. John Wilson. When Sir John Malcolm became Governor of Bombay he instituted the *Bombay Government Gazette* in order to economise on the payments which were being made to the *Courier* for Government advertisements and the latter, in the words of Stocqueler, was "at once mulcted of £4,000 a year." It may be mentioned here that this enterprising journalist later became the editor of the *Bengal Harkaru* and afterwards the proprietor of the *John Bull* which paper he re-named the *Englishman.*

Another Gujerati paper, the *Jam-e-Jamshed*, was first published in Bombay in 1831 and is still in existence. The founder was Pestonji Maneckji Motivala and this weekly journal was, and still is, considered the organ of orthodox Parsees. It later became a daily newspaper.

Another field of journalism was now opening up; that of scientific interest. The establishment of a literary magazine has already been noted (*The Mirror of the Press or the Political and Literary Register*) and for some time past the Asiatic Society, founded in 1784 by Sir William Jones, had been publishing papers relating to zoology, botany, anthropology, mathematics, physics,

[1] *Memoirs of a Journalist*, p. 63.

chemistry, geology, meteorology and medicine. With the Journal of the Asiatic Society was eventually incorporated a publication called *Gleanings in Science*, three volumes of which were published between 1829 and 1831.[1] Later on the *Indian Review and Journal of Foreign Science*, which was published in eight volumes between 1834 and 1847, was also incorporated in the Journal of the Asiatic Society.

Other scientific and technical journals will be referred to in the chapter on the subject. As for the Bengalee papers which were established during this period, a number of them ceased to exist when the agitation in connection with *suttee* had died down. As we have seen, Lord Bentinck's attitude towards the press, as indeed towards other questions, was one of liberalism and understanding. On one occasion, however, he departed from his policy of non-intervention and there thus arose a difference of opinion between him and Sir Charles Metcalfe.

As a result of the heavy expenditure incurred over the First Burmese War, the Company found itself in financial difficulties and the Court of Directors decided to effect economies by reducing the allowance given to army officers. This order was received by Lord Bentinck in September, 1830, and he was of the opinion that it was "extremely unwise and inexpedient, fraught with mischief, and unproductive of any good." The officers concerned thought likewise and every manner of means was used to voice their discontent; newspaper offices, in particular, were submerged with protests against the "Half-Bhatta" order which the Governor-General had no option but to implement. So serious did the situation become that a mutiny seemed possible—and Lord Bentinck had every reason to fear such an eventuality. He decided, therefore, that the press should be kept under most rigid control and his reasons are set out in the following Minute.[2]

> "The Hon'ble Court have directed the publication of their despatch, No. 37, conveying their final orders on the Half-Batta question.
>
> "With the final adjudication of this reference at home, it is much to be desired that no revival of former discussions should take place here, and that the tone of complaint deemed so objectionable, should not again be heard. To prevent as far as may be possible the publication of remarks (the disrespectful nature of which may be too certainly anticipated) that this despatch will call forth, it seems necessary that a prohibition should proceed from

[1] P.P., 4 March, Nos. 38–42 (1832).

[2] 6 September, 1830.

the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document. . . .

"I am aware that this recommendation exposes me to two charges: first, of omission, in not having, on the first appearance of discontent when the orders were originally published, adopted the measure which I now propose, for the purpose of preventing the publication of opinions and remarks tending to foment and keep alive the existing agitation, and extremely disrespectful towards the authorities from whence they emanated; secondly, of inconsistency, in now interfering with the liberty of the Press, of which I have been the advocate and with which, after the example of my predecessor, I have not meddled.

"Upon the first point, many, I know, are of opinion that the public Press contributed greatly to the discontent. I see no reason for this opinion. The order itself, so many years the topic of discussion and of contention between the authorities in England and in India, was quite sufficient to excite universal dissatisfaction, and it is quite as clear that it could only be set at rest by a definite resolution of the superior authority. The Adjutant-General of the Madras army who was at the time at Calcutta, described the angry feeling and language so loudly expressed here, and all the signs of the times, to be precisely similar to those which prevailed before the Madras Mutiny, and he anticipated a similar explosion. Let it be remarked that the mutiny *did* take place at Madras; and though there was not a shadow of liberty belonging to the Press there, the communication and interchange of sentiment and concert was as general as if it had passed through the medium of a daily press, without the reserve which the responsibility of the editor more or less requires for his own security. My firm belief is that more good than harm was produced by the open and public declaration of the sentiments of the army. There was vent to public feeling, and the mischief was open to public view; and the result is so far confirmatory of the opinion here given, that no overt act took place. There is a great distinction to be made both in the nature of the offence itself, and in the treatment to be applied to it, between the expression of dissatisfaction on the first infliction of the supposed wrong and injustice, and the clamour and censure which should be cast upon the final and solemn adjudication of the governing power.

"With respect to the second point, I retain my former opinion that the liberty of the Press is a most useful engine in promoting the good administration of the country, and in some respect supplies that lamentable imperfection of control, which from local position, extensive territory and other causes, the Supreme Council cannot adequately exercise. But I have always said and thought,

that as well with the liberty of the Press as of the subject, it was indispensable for the safety of the empire that the Governor-General in Council should have the power of suspending the one and of transmitting the other, whenever the safety of the State should call for the exercise of such authority. I think the present case an exception to the general rule. I apprehend no positive outrage or open violence to authority; but I do apprehend the possibility of unmilitary and insubordinate language, highly discreditable to the character of the army, which the Government could not overlook and which might end in a conflict between the Government and its officers, that could not fail to be attended with the greatest public inconvenience.

W. C. Bentinck."

To this Minute was appended another by the Hon'ble William Butterworth Bayley.

"I have always entertained, and continue to entertain, the opinion that the unfettered liberty of the Press, as it exists in our native country, is totally unsuited to the present state of our dominion in the East, and that so long as the Press was subject to no other restraint than that arising out of the fear, on the part of the editors, of being punished for a libel by a court of law, it was in the power of factious individuals to disseminate the most mischievous reports through the public papers and injuriously to affect the influence and proper authority of Government over its own servants, its army and its native subjects.

So long as the power of Government effectually to suppress evils of such a description was disputed and denied, the question of the asserted freedom of the Press was felt to be one of vital importance, and that feeling led to many of the acts of interference with the Press which were directed by the Government at that period.

From the time, however, when the power of Government to control the Press was legally recognised and established, the motive and necessity for such frequent interference ceased. It was gradually withdrawn, and for several years past, the Press has practically been allowed almost perfect freedom. Although I neither think so highly of the advantages nor so lightly of the mischiefs of a free press in this country, as the Governor-General and Sir Charles Metcalfe do, I yet attach so much importance to the former as to desire that the Press may remain unfettered, except in instances in which highly important interests of the State are likely to be compromised. The occasions for interposition, on that ground, have been, and are likely to be, rare; they form exceptions to the general rule; and when they do arise, the Government can immediately check the mischief by prohibiting

the discussion of a particular question, altogether or during a specified period.

In this form the interference would operate like that of the censorship in the particular case, and no penalty would be imposed unless the prohibitory order were wilfully violated.

Entertaining the opinions above expressed on the general question, I have no hesitation in recording my concurrence in the proposition contained in the Governor-General's Minute of the 6th instant.

The public interests would, in my judgment, be exposed to very serious injury if the recent and final orders of the Hon'ble the Court of Directors, on the memorials from the officers of the Bengal army, were publicly canvassed in the same insubordinate spirit as was manifested when the original instructions were carried into effect.

That they would be so canvassed there can be no doubt; and we shall, in my opinion, best consult the interests of the army and of the Government by prohibiting the editors of papers from publishing any comments or remarks on the despatch conveying the final orders of the Court of Directors on the Half-Batta question.

6th September, 1830. W. B. Bayley."

Sir Charles Metcalfe differed from the opinions of the Governor-General and Bayley and recorded his views in the following memorable Minute, noteworthy for its broad common sense.

"I regret to see that it is the intention of the Governor-General to interfere with the liberty of the Press, on the occasion of the publication of the letter of the Hon'ble the Court of Directors, regarding the memorials of the officers of the army, on the subject of the Half-Batta reductions.

It appears to me that the intended measure will excite fresh feelings of disgust, which it is wholly unnecessary to create.

Hitherto the utmost freedom of discussion has been permitted on this subject, and generally on all subjects for years past; and I cannot see any difference between the present order of the Court and their former order, that should make it expedient to allow the one to be censured, and to prohibit all comment on the other; the former order was meant to be final as much as the present one.

I am persuaded that the freedom of discussion allowed in the Half-Batta question has been attended with good effects; it has afforded a vent for the expression of the feelings which a most unpopular measure excited; and it gave an assurance to those who conceived themselves injured that their complaints were at least made known and must attract attention.

I think on the present occasion that it will be infinitely better to allow anything to be said that can be said, than to furnish a new source of discontent, by crushing the expression of public opinion.

I do not apprehend that anything can be said worse than has already been published. The lenitive operation of time is producing its usual effect. The feelings which prevailed in the army are in some degree allayed; their complaints have been heard; their arguments are exhausted; and the subject is almost worn out.

The order of the Court of Directors is not altogether unexpected. Its publication may be followed by a few letters in the newspapers which will do no harm, and then the matter will finally subside. But the attempt to prevent the ebullition of any feeling will cause fresh irritation, and be construed as a new grievance.

Viewing the question more generally, it is, whether an arbitrary interference with the Press shall be substituted for the freedom which has for many years been allowed?

I have, for my own part, always advocated the liberty of the Press, believing its benefits to outweigh its mischiefs; and I continue of the same opinion.

Admitting that the liberty of the Press, like other liberties of the subject, may be suspended when the safety of the State requires such a sacrifice, I cannot, as a consequence, acknowledge that the present instance ought to be made an exception to the usual practice of the Government; for if there were danger to the State, either way, there would be more, I should think, in suppressing the publication of opinions, than in keeping the valve open, by which bad humours might evaporate. To prevent men from thinking and feeling is impossible; and I believe it to be wiser to let them give vent to their temporary anger, in anonymous letters in the newspapers, the writers of which letters remain unknown, than to make that anger permanent by forcing them to smother it within their own breasts, ever ready to burst out. It is no more necessary to take notice of such letters now than it was before.

The Government which interferes at its pleasure with the Press becomes responsible for all that it permits to be published. We continually see in the Calcutta papers gross abuse of public authorities; and we answered to the complaint of one that this Government did not interfere with the Press or something to that effect. I think that we made a similar assertion in a communication to the governor of a foreign settlement. How can we say such things at one time, and at another interfere with the Press, as it is now proposed to do?

If I could think it sound policy to shackle the Press I should prefer the steady operation of the censorship, or any fixed rule, to the occasional interference of the Government by its arbitrary

will. Every letter addressed by the Government to the editor of a newspaper has always appeared to me to be derogatory to the Government; and the Bengal Government has been exposed to more ridicule from this sort of correspondence than from any other cause. It is true that the power now exists of converting ridicule into terror by the destruction of the property, but who can desire to see a newspaper impertinence brought to such an end? Even punishment has sometimes proved a farce, the real offender soon reappearing in the field, with new honour as a pretended murderer.

For all these reasons, I object to the measure proposed, considering it preferable on every account to leave to the Press the uninterrupted enjoyment of its supposed freedom, and to the public the means which it now practically possesses of expressing its sentiments on all subjects, without any other restriction than those of law and discretion.

6th September, 1830. C. T. Metcalfe."

The Earl of Dalhousie, the Commander-in-Chief, was absent from the Council on account of indisposition. As there was a majority in favour of the prohibitory order suggested by Lord Bentinck, the following letter was sent to the editors of the *John Bull*, the *Bengal Hurkaru and Chronicle*, the *India Gazette*, the *Government Gazette*, the *Bengal Herald*, the *Calcutta Gazette*, the *Oriental Observer*, the *Mirror of the Press*, and the *Calcutta Domestic Retail Current and Miscellaneous Register*:

Sir,

I am directed by the Right Hon'ble the Governor-General in Council to acquaint you that you are prohibited from admitting into your Paper any comments on the Letter from the Hon'ble the Court of Directors No. 37 dated 31st March, 1830 which will be published in General Orders to the Army in the *Government Gazette* this day.

I am & ca,

Council Chamber, G. Swinton.

6th September, 1830. Chief Secretary to the Government.

The great financial crash of 1830 which involved the leading agency houses of Calcutta, had far-reaching effects on the press. As Macaulay wrote six years later the crash "ruined one-half of the English society in Bengal, and seriously injured the other half." Palmer and Company, Mackintosh and Company, Alexander and Company, Cruttenden, McKillop and Company, Fairlie, Fergusson and Company, Colvin, Bazett and Company—concerns in which the public had invested its savings—were all

affected. As a result, *John Bull* (the property of Messrs. Cruttenden, McKillop and Company), was sold and converted into the *Englishman*. The *India Gazette* (owned by Mackintosh and Company) became the property of Dwarkanath Tagore and was amalgamated with the *Bengal Hurkaru*. The *Calcutta Courier* disappeared.

Appreciating the difficulties which confronted the press, Lord Bentinck did all he could to encourage its prosperity and between 1831 and 1833 numerous additions were made to the newspaper world of Calcutta. For convenience of reference a list is given here in tabular form.

DATE.	NAME OF APPLICANT.	NAME OF PAPER.	LANGUAGE.	P.P. REFERENCE.	No.
7.1.1831.	Iser Chunder Gooptoo.	*Sumbad Provakur.*	Bengalee Weekly.	11 Jan.	74
7.2. „	A. Moreiro.	*The Hesperus.*	English Evening.	15 Feb.	60
14.2. „	Premchand Roy.	*Sambad Sudakur.*	Bengalee.	15 Feb.	67
15.5. „	Krishna Mohana Banerjee.	*The Enquirer.*	English.	10 May	45–7
5.7. „	Charles Henry Disent.	*The Juvenile Emulator.*	English.	12 July	35–8
4.8. „	Doolloob Chunder Chatterjee.	*Neetyoprokaus*	Bengalee Daily.	5 Aug.	50–2
11.8. „	Modoosoodone Doss.	*Sumbad Rutnakur*	Bengalee Weekly.	16 Aug.	70–4
15.8. „	Bhoobun Mohun Banerjea.	*Sumbad Muyookha.*	Bengalee.	23 Aug.	52–5
16.8. „	J. P. Namey.	*The Reformer.*	English.	16 Aug.	74–8
3.9. „	Baney Madaub Dey.	*Sungbad Sar Sangoho.*	Bengalee & English.	13 Sept.	32–4
15.9. „	Iser Chunder Dutt.	*Sungbad Showdaminey*	Bengalee Weekly.	20 Sept.	77–80
26.12. „	W. Kirkpatrick.	*The Indian Register.*	English.	Jan 1832 Home	
27.3.1832.	G. A. Prinsep.	*Calcutta Gazette.*	English Weekly.	27 Mar.	29–32
5.6. „	Andrew D'Souza.	*The Bengal Journal.*	English.	5 June	39
19.7. „	Moheschunder Paul.	*Sungbad Rutnaboly.*	Bengalee Weekly.	July-Sept.	83
7.8. „	G. H. Hough.	*The Philanthropist.*	English Weekly.	July-Sept.	84–6
15.1.1833.	Russickkrishna Mullick and Madhub Chunder Mullick.	*Gyan Auneshun.*	English & Bengalee.	15 Jan.	47–50
12.2. „	Paterson Saunders.	*The Moffussil Ukhbar.* (Agra.)	English.	15 Feb.	54–7
22.3. „	Wahajuddem Mahummed.	*Mahalum Afrose.*	Persian.	22 Mar.	35

The *Calcutta Gazette*, mentioned in the foregoing list, was an official journal, published by the sanction of the Governor-General, Lord Bentinck, at the Orphan Society Press. Previously, the press had printed the *Government Gazette*, containing official notifications concerning the public services. This paper now ceased and

the *Calcutta Gazette* took its place. In the course of his examination of every possible measure of economy, Lord Bentinck mentioned in a Minute, sanctioning the establishment of the *Calcutta Gazette*, that he thought that under any circumstance the printing business of both the Adjutant-General of the Army and the Adjutant-General of the King's Troops might be managed with greater economy and equal efficiency.[1]

Only on the one occasion already cited, did Bentinck interfere with the press and there is reason for surmising that, in course of time, his views approximated to those of Metcalfe. Firstly, may be mentioned his attitude towards the Madras Government's proposal for legislation governing printing presses and, secondly, his response to a petition by the inhabitants of Calcutta for the repeal of the Adam Regulations of 1823.

On August 6, 1834, the Governor of Madras (Sir Frederick Adam) recorded the following Minute:[2]

> "When the Censorship over the Press was abolished by my Predecessor in the Government of Madras, the use of the printing presses established by private individuals at the Presidency was left to their Proprietors, free from any control on the part of Government, and no means were provided even for ascertaining with legal precision who the Proprietors were or who the responsible persons for publications issuing from the Presses.
>
> Under the Presidency of Fort William in Bengal, and, I believe, under that of Bombay, a regulation is in force for licensing the Establishment of printing presses, containing suitable provisions to guard against abuse; I submit to the Governor-General of India in Council that a Regulation be enacted to have effect within the Territories under the Presidency of Madras."

The Chief Secretary to the Government at Fort St. George forwarded this Minute to the Governor-General in Council and asked that a copy of Regulation 3, 1823, of the Bengal Code (affecting printing presses) should be sent to the Advocate-General of Madras (George Norton) so that it might be adapted for application in the Madras Presidency.[3]

Eventually, the Advocate-General at Madras drafted regulations for controlling the press and these were forwarded to Calcutta. The following reply from Fort William warrants the inference that some amendment in the press regulations was about to take place.

[1] 24 January, Nos. 27–28 (1832) and 20 March, No. 4 (1832).
[2] O.C., 9 August, No. 1 (1834). [3] O.C., 9 August, No. 2 (1834).

To H. Chamier, Esquire,
Chief Secretary to the Government of Fort St. George.

Sir,

I am directed by His Excellency the Right Hon'ble the Governor-General in Council to acknowledge the receipt of your letter dated the 21st ultimo with its enclosures and in reply to state that the consideration of the Regulation submitted therein for the control and management of the Press at the Presidency of Fort St. George is postponed until the Law Commission provided for by the Act 3 and 4 William IV Cap. 85 shall have been constituted; His Lordship in Council being desirous of consulting the Members of the Commission on this important question.

I have the honor to be & ca,
H. T. Prinsep,
Secretary to Government.[1]

Fort William,
The 25th November, 1834.

While the Madras Government was formulating regulations for the more stringent control of the press, Calcutta journalists were meeting to draft a Memorial praying for the abolition of the press rules. The Petition, which was presented to the Governor-General in Council on February 6, 1835, was signed by William Adam, Dwarkanath Tagore, Russick Lal Mullick, E. M. Gordon, Russomoy Dutt, L. L. Clarke, C. Hogg, T. H. Burkin Young, D. Hare, T. E. M. Turton, Mr. Young and J. Sutherland.[2]

First of all the Petition recapitulates the provisions of the Adam Press Regulations which were registered in the Supreme Court on April 4, 1823. Next follows a summary of Regulation III of 1823 relating to Printing Presses. The petitioners then urge:

> "That your Petitioners humbly conceive that these laws, made to restrain the free expression of the thoughts of men, are unnecessary to the support of power in any Country which is subject to the Crown of England, and ruled in any degree by the maxims which ought to guide the conduct of Englishmen, that they are contrary to sound policy and to true wisdom; that they are not calculated to preserve the power of that Government, which has condescended to make use of them, but to impair it, that they are, in brief, not merely useless, but mischievous, and are degrading alike to those who impose and those who have to obey them.
>
> That your Petitioners deem it superfluous in addressing the Governor-General of India in Council to enlarge upon the

[1] O.C., 25 November, Nos. 5–7 (1834). [2] P.P., 6 February, No. 38 (1835).

advantages that spring in free countries from the liberty of unlicensed printing.

That your Petitioners are fully aware of the arguments by which in this Country, in which a large native population is ruled by foreigners few in number, but superior in knowledge, these restrictions have been and may again be defended.

That these restrictions in respect to publications in the English language, have been defended on the grounds that the number of Englishmen in this country is insignificant; that those who came hither not in the Service of the East India Company, came hither by sufferance and under licence, and had therefore no ground of complaint; to which your Petitioners have to answer, that the restraint upon the resort of Englishmen to this country no longer exists; that while it did exist it could in no wise justify an abridgment of the rights possessed by them in England and under its laws, because even in this Country, when they did come those laws were guaranteed to them, that no question of right is insignificant, nor can its importance in principle be measured by its application to numbers; and lastly, that every Englishman who comes to this country although not in their Service, is as strongly interested in the just maintenance and exercise of the national power and supremacy as the body of the Proprietors composing the East India Company or their Servants themselves.

That it has never, to the knowledge of your Petitioners, been pretended even, that any danger to the existence of the English power and national supremacy could arise from the use of the English language in periodical publications, unless the preamble, of the registered Regulation of the 4th April, 1823, be taken to have such meaning, that your petitioners on the contrary allege that the number of natives of India conversant with the language of England, is still deplorably small, that such knowledge has scarcely begun to exist beyond the limits of Calcutta, that periodical literature is one of the readiest means of increasing the knowledge of the English language among those who already possess some, and of inspiring a more extensive taste and desire for its acquisition among the great body of natives; while, in the present state of native education and knowledge in this presidency, it is obvious, that it never can for a very long period of time become generally enough understood to afford even a pretence for apprehending danger to the supremacy of England from its use in the periodical publications of India, even if danger can with reason be apprehended from such a source.

That with whatever greater show of reason, danger to the supremacy of England may be considered likely to arise from publications, periodical or otherwise in the vernacular languages of this presidency, your Petitioners cannot admit that such dangers

justify a prohibition of all printing or publishing in such languages without licence.

That one of the dangers prominently brought forward by some of the ablest advocates of such restrictions, viz. the danger to be apprehended by disseminating libels and false intelligence among the native soldiery, is likely to be diminished instead of increased by the liberty of unlicenced printing, in as much as the nature of the act implies that it must be done clandestinely; that it could be done as effectually if not more so by written than by printed libels or falsehoods; that its chief danger lies in the ignorance and consequent credulity of the parties addressed; that such dangers would decrease with the increase of knowledge among the native community whose better knowledge would tend to correct false impressions, and to diminish credulity; that finally the danger, if it exists, can never, by any contrivance, be fully guarded against; that the prohibition of printing without previous licence in no degree guards against it, for it is chimerical to suppose that in cases where a strong motive exists unlicenced and secret presses could not be procured, or that seditious and mischievous falsehood, could not be clandestinely printed even at a licenced press so as to elude detection.

That arbitrary prohibitions against the open circulation of obnoxious native publications seem most peculiarly uncalled for in a Country where the local Government has unlimited power in regard to the application of the existing Revenues, where Stamp duties may be applied to such publications in the interior at will, and where Newspapers are still subjected to a heavy rate of postage.

That for these reasons your Petitioners humbly conceive that the existing rules and Regulations in restraint of periodical publication within Calcutta, and of all printing and publication whatsoever in the native languages out of Calcutta, and within the limits of the Presidencies of Bengal and Agra, are useless, pernicious, and ought to be abolished, and they therefore pray that the Governor-General of India in Council will be pleased to repeal the Regulation of the 14th March, 1823, the Regulations III passed on the 5th April 1823, and to recall the Government notifications published in their *Gazette* on the 5th April, 1823, respecting the Press, and on the 9th April, 1807, regarding public meetings, which last notification, being expressed as follows, that is to say.—The following extract from a general letter from the Honourable the Court of Directors, dated the 23rd June, 1826, is published for general information—"We direct on receipt of this despatch that public notice be issued, forbidding, under pain of our high displeasure, any public assemblage either of our own servants or of private merchants, traders, or other inhabitants

whatsoever without first obtaining the sanction of the Governor through the medium of the Sheriff for the time being, and we further direct that with the application for holding such meetings the subjects intended to be taken into consideration be also submitted to your previous consideration, in order that you may have it in your power to judge of the propriety of allowing the question that may be proposed to be agitated, and on no consideration whatever is the Sheriff or the officer presiding at such meetings, to allow any subject to be considered that has not been previously submitted for your consideration. We have full confidence, however, that our Governments in India will not preclude our Servants or other European inhabitants from meeting for the purpose of expressing their sentiments, whenever proper subjects are submitted for their deliberation.

Published by Order of the Honourable the Governor-General in Council.

(Signed) Thomas Brown,
Chief Secretary to the Govt."

This is not only unauthorized by law but violates law and therefore claims obedience and attention from no man, and which has sometimes been acted upon in the same spirit of illegality in which it was made, without the shadow of an excuse or even a pretence of necessity, but which nevertheless a public Servant of Government in the situation of Sheriff may think binding upon him and which experience has proved he cannot with safety to himself entirely overlook.

And your Petitioners further pray that your Lordship in Council will be pleased (in case of any legislative enactment becoming necessary from the repeal and recall of the Regulations and notifications aforesaid) to promulgate any proposed new Law or Regulations regarding the Press in print at such reasonable period before the passing thereof into law as may be necessary for those who are to obey, such law or regulations to have an opportunity of respectfully objecting to the same if in their judgements need be; and your Petitioners pray that your Lordship in Council will be pleased to authorize such previous and reasonable publicity, although the Court of Directors should have framed, and the Board of Commissioners for the Affairs of India may have approved of rules framed under the 47th Section of the 3rd and 4th William IV and 85 which have omitted to prescribe a mode of promulgation by which knowledge of a proposed law can be imported to the public before its enactment. And your Petitioners further pray in case any such new law shall be enacted that the liberty to print in any language and any kind of matters, whether periodically or otherwise, be left altogether unrestrained by the necessity to

obtain a previous licence, or by any restriction other than that general liability which must attach to all for words or writings which may be found injurious either to the Government or individuals, and of which the party may be judicially convicted; by which means the Government itself will be protected from the temptation to exercise an arbitary power too freely; and he who is accused may know before hand what is deemed his fault, and all may profit by the example.

And your Petitioners shall ever pray, &c."

To this Petition the Government sent the following reply:

Gentlemen,

I am directed by the Governor-General of India in Council to inform you that the Petition presented by you to the Governor-General has been considered with all the attention to which it is entitled on account both of the important subject to which it relates and of the respectable names associated in its preparation.

The unsatisfactory state of the laws relating to the Press has already attracted the notice of His Lordship in Council and he trusts that in no long time a system will be established which, while it gives security to every person engaged in the fair discussion of public measures, will effectually secure the Government against sedition and individuals against calumny.

His Lordship in Council agrees with you in thinking that such a measure, before it is finally passed into a law, ought to be submitted to the public and that all classes of the Community ought to have an opportunity of offering their comments and suggestions with respect to it.

His Lordship in Council does not conceive that the Inhabitants of Calcutta are prohibited by any rule now in force from meeting for purposes of discussion. They already, as it appears to His Lordship in Council, enjoy the liberty which they solicit nor has the Government any intention of restricting that liberty.

I have & ca,

Council Chamber H. T. Prinsep,

6th February, 1835. Secretary to Government.[1]

Newspaper properties were by now acquiring permanent value and the chief members of the editorial staffs were recruited in England and brought to India as covenanted assistants, editors, assistant editors, sub-editors and chief reporters. Posts of responsibility on the mechanical side were also filled by Europeans while Indian journalists were employed in minor positions.

An amusing example of journalistic enterprise comes from the

[1] P.P., 6 February, No. 39 (1835).

pen of Aunnundrau Wittobah who writes to Secretary Prinsep from Bombay on March 18, 1835 requesting permission to publish a Marathi newspaper entitled the *Poona Vartick*. He says:

> "It will contain articles of the utmost variety, intelligence and novelty of every description from all quarters of the world and likewise furnish the public in general that information highly interesting on the former and present state of powers in India. I beg to solicit the Hon'ble Board to grant the indulgence of all letters and copies of the above stated periodical addressed to the following four native crowned Heads or princes of blood Royal under the Bengal Presidency to go free of postage from that Presidency. I have already applied to Bombay Government to grant the same indulgence from this Presidency. I further beg that the Hon'ble Board would be pleased to subscribe towards its support. The subscription is two rupees per mensem.
> His Highness the Rajah of Nagpur
> His Highness the Rajah of Scindiah
> His Highness the Rajah of Holkar
> His Highness the ex-Peshwa Rajeesaw Sahib."[1]

The Hon'ble Company evidently thought that the four crowned Heads could afford to pay their own postage for it was ordered that Aunnundrau Wittobah be informed that his request could not be complied with.

Some idea of the influence of public opinion as noted by a contemporary is derived from Sir Charles Trevelyan who stated:

> "I can mention another remarkable case in which the public interests were subserved by freedom of discussion. I had been employed by Lord William Bentinck to prepare a scheme of detailed arrangements for opening the navigation of the Indus, the first foundation of which was laid by Lord Ellenborough. A copy of this paper was sent by the Governor-General to Lord Clare, who was then Governor of Bombay, and he sent it to the Bombay newspapers; and as comments of various kinds appeared upon it, explanations were required for the successful understanding of the measures. Upon this I commenced a series of letters, signed 'Indophilus', directed to that particular object; but I found, before I had gone far, that I had got possession of the public ear and mind, and that I might turn this to very valuable account. I had recently returned to Calcutta from the Upper Provinces, with a strong impression of the great evils of the then existing land revenue system and of the uncertainty and absence of all security of property consequent upon the temporary settle-

[1] P.P., April, No. 49 (1835).

ments then made from year to year; and it occurred to me that I might, with great advantage, make such an *exposé* of the subject as would enlighten public opinion and create a general tendency on the part of the Commissioners, Collectors and other persons engaged in those settlements, towards making moderate settlements and long settlements so as to establish in that part of India the great principle of the security of property. I accordingly directed the series of 'Indophilus' letters to that object; and I think I do not say too much in asserting that the effect which was produced on public opinion by those letters had a manifest tendency to bring about a moderate and satisfactory settlement."[1]

[1] *Sir Charles Trevelyan's Examination before the Indian Committee of the House of Lords*, 1853.

CHAPTER NINE

CHRONOLOGICAL TABLE

1835 Sir Charles Metcalfe acting Governor-General; Macaulay's Minute on the Press; Metcalfe abolishes Press Restrictions.

1836 Lord Auckland Governor-General. Court of Directors condemns Metcalfe's liberation of the Press; establishment of the *Bombay Times and Journal of Commerce*.

1837 Victoria, Queen of England.

1838 Metcalfe leaves for England; development of Urdu newspapers.

1842 Lord Ellenborough Governor-General.

1843 Conquest of Sind.

1844 Sir Henry Hardinge Governor-General.

1848 Lord Dalhousie Governor-General.

1849 Punjab annexed.

CHAPTER NINE

"LIBERATOR OF THE INDIAN PRESS"

DURING the latter part of his regime Lord Bentinck's health was a severe handicap and, in March, 1835, he was compelled, on this account, to resign his high office. The new Charter Act which had, among other things, extended the power of the Governor-General, made this post one of the Empire's most coveted appointments. Interested parties in London were advancing the claims of various nominees when Lord Bentinck's sudden resignation made inevitable the appointment of the senior member of his Council, Sir Charles Metcalfe.

We have seen how Bentinck had given an assurance that the unsatisfactory state of the Press Regulations would be amended and how the entire legal system was being codified by the Law Commission. Macaulay was the Legislative Member of the Supreme Council and, in pursuance of the policy initiated by Bentinck, Metcalfe asked him (Macaulay) to draft an Act on the subject of the Press which would be applicable to the whole of India. Thus he replies:

> "In the accompanying draft of an Act on the subject of the press, I have attempted to embody what at several of our recent meetings appeared to me to be the general sense of the Council. It is difficult to conceive that any measures can be more indefensible than those which I propose to repeal. It has always been the practice of politic rulers to disguise their arbitrary measures under popular forms and names. The conduct of the Indian Government with respect to the press has been altogether at variance with this trite and obvious maxim. The newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoy in England. If any inconveniences arise from the liberty of political discussion, to those inconveniences we are already subject. Yet while our policy is thus liberal and indulgent, we are daily reproached and taunted with the bondage in which we keep the press. A strong feeling on this subject appears to exist throughout the European community here, and the loud complaints which have lately been uttered are likely to produce a considerable effect on the English people, who will see at a glance that the law is oppressive, and who will not know how completely it is inoperative. To impose strong restraints on political discussion

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is an intelligible policy, and may possibly, though I greatly doubt it, be in some countries a wise policy. But this is not the point at issue. The question before us is not whether the press shall be free, but whether, being free, it shall be called free. It is surely mere madness in a government to make itself unpopular for nothing; to be indulgent, and yet to disguise its indulgence under such outward forms as bring on it the reproach of tyranny. Yet this is now our policy. We are exposed to all the dangers—dangers, I conceive, greatly overrated—of a free press; and at the same time we contrive to incur all the opprobrium of a censorship. It is universally allowed that the licensing system, as at present administered, does not keep any man who can buy a press from publishing the bitterest and most sarcastic reflections on any public measure or any public functionary. Yet the very words "license to print" have a sound hateful to the ears of Englishmen in every part of the globe. It is unnecessary to inquire whether this feeling be reasonable, whether the petitioners who have so strongly pressed this matter on our consideration would not have shown a better judgment if they had been content with their practical liberty, and had reserved their murmurs for practical grievances; the question for us is not what they ought to do, but what we ought to do; not whether it be wise in them to complain when they suffer no injury, but whether it be wise in us to incur odium unaccompanied by the smallest accession of security or of power. One argument only has been urged in defence of the present system. It is admitted that the press of Bengal has long been suffered to enjoy practical liberty, and that nothing but an extreme emergency could justify the Government in curtailing that liberty. But, it is said, such an emergency may arise, and the Government ought to retain in its hands the power of adopting in that event the sharp, prompt and decisive measures which may be necessary for the preservation of the Empire. But when we consider with what vast powers, extending over all classes of people, Parliament has armed the Governor-General in Council, and, in extreme cases, the Governor-General alone, we shall probably be inclined to allow little weight to this argument. It seems to be acknowledged that licenses to print ought not to be refused or withdrawn except under very peculiar circumstances, and if peculiar circumstances should arise, there will not be the smallest difficulty in providing measures adapted to the exigency. No government in the world is better provided with the means of meeting extraordinary dangers by extraordinary precautions. Five persons, who may be brought together in half an hour, whose deliberations are secret, who are not shocked by any of those forms which elsewhere delay legislative measures, can, in a single sitting make a law for stopping every press in India. Possessing as we do the unquestionable power to

interfere, whenever the safety of the state may require it, with overwhelming rapidity and energy, we surely ought not in quiet times to be constantly keeping the offensive form and ceremonial of despotism before the eyes of those whom nevertheless we permit to enjoy the substance of freedom. It is acknowledged that in reality liberty is and ought to be the general rule, and restraint the rare and temporary exception. Why then should not the form correspond with the reality? Why should our laws be so framed as to make it appear that the ordinary practice is in the highest degree oppressive, and that freedom can be enjoyed only by occasional connivance? While this system is established in the Presidencies of Fort William and Agra, and in that part of the Presidency of Bombay which lies beyond the jurisdiction of the Supreme Court, a system open to objections not less serious, but of a very different kind, prevails throughout the Presidency of Fort St. George. In that part of India every man who chooses is at liberty to print and publish, and it is very difficult to bring the fact of printing or publication home to him. Thus, while the inhabitants of one province are complaining of the tyrannical restrictions which our laws impose on the press, the inhabitants of another province suffer from the irresponsible licentiousness of the press. The editor of a newspaper at Calcutta must have a license from the Government. The editor of a newspaper at Madras may excite his fellow subjects to the most criminal enterprises, or may destroy the peace and honour of private families, with small risk of being convicted before any legal tribunal. The Act which I now propose is intended to remove both evils, and to establish a perfect uniformity in the laws regarding the press throughout the Indian Empire. Should it be adopted, every person who chooses will be at liberty to set up a newspaper without applying for a previous permission. But no person will be able to print or publish sedition or calumny without imminent risk of punishment.

Calcutta, April 16. T. B. Macaulay."

To this Minute the Governor-General appended the following remarks:

The reasons which induced me to propose to the Council the abolition of the existing restrictions on the press in India accord entirely with the sentiments expressed by Mr. Macaulay in the minute accompanying the draft of an Act, which, at our request, he has had the kindness to prepare, with a view to give effect to the unanimous resolution of the Council. These reasons were as follows: First, that the press ought to be free, if consistently with the safety of the State it can be. In my opinion it may be so. I do not apprehend danger to the state from a free press; but if danger to the state should arise the Legislative Council has the

power to apply a remedy. Second, that the press is already practically free, and that the Government has no intention to enforce the existing restrictions, while we have all the odium of those restrictions, as if the press were shackled. It is no argument in favour of the continuance of these unpopular restrictions that they may at any time be enforced, for if restrictions should be necessary to ward off danger from the state, they may be imposed and enforced instanter. Third, that the existing restrictions leave room for the exercise of caprice on the part of the governments in India. One Council or one Governor may be for leaving the press free; another may be for restraining it. There is no certain law, and any one connected with the press might be any day subjected to arbitrary and tyrannical power for any slight violation of rules, the total violation of which has been long tacitly sanctioned. Fourth, the different state of the law, or the want of any law, at the other presidencies, renders the enactment of some general law for all India indispensable. To extend the odious and useless restrictions which now exist is out of the question; and no law, in my opinion, could be devised with any good effect except a law making the press free. We are much indebted to Mr. Macaulay for the Act which he has had the goodness to prepare for us. The penal provisions which it contains have been already partially discussed, and will come more fully under consideration at the next Council. They are, I conclude, unavoidable; but they show how much easier it is to rescind laws than to make them, for while the existing restrictions are got rid of in a few words, we are compelled to make a long enactment for the sole purpose of making printers and publishers accessible to the laws of the land.

Calcutta, April 17. (Signed) C. T. Metcalfe.

As all the Minutes which led to the repeal of the Adam Regulations are of the utmost importance, the views of H. T. Prinsep, A. Ross, and Lieut.-Colonel W. Morison (the other members of the Governor-General's Council) are also recorded.

Thus Mr. Prinsep:

"The Governor-General has summed up so very clearly the arguments for repealing the existing laws for licensing and restraining the press, that I have only to subscribe my entire concurrence in them. But I do not go quite so far as to say broadly and without reserve that I do not apprehend danger to the State from the press of India being free. I see no immediate danger in the present state of things, nor is the future danger such as the existing laws would provide for better than laws made specially for the purpose when the danger threatens. Therefore, I cordially assent to the repeal of the laws. But I think the eye of the Govern-

ment will require to be kept continually upon the press, and especially upon the native press, for it is capable of being made an engine for destroying the respect in which the Government is held, and so of undermining its power. Our Government in India has been called a despotism, but is far from being so, inasmuch as it is bound by strict laws and is subject to an ever active responsibility to other authorities. Still, so far as concerns our native subjects, they have no voice in determining those laws nor in settling the constitution of the Government which rules them. If it were supposed that our power in India is quite independent of the state of the people's affections towards us—that the machine of Government could do its work, maintain the army in discipline and efficiency, collect the revenues, administer justice, and provide a vigilant and not tyrannical police, even in the extreme case that all the population had turned against us, then indeed might we be indifferent to the workings of the press. But no one goes this length, even in hypothetical argument; and therefore it is that I do not contemplate entirely without apprehension the encouragement of the growth of a native press, which, judging from the spirit of discontent produced by our first experiments in the work of education, threatens to be hostile. At present this press is nothing, and the controlling or influencing of it would be an easy task were Government disposed to direct its efforts to do one or the other; but if we let it grow till the danger from it is imminent, we may then find it a giant to wrestle with. So long as discussion is carried on in English it is no more formidable than similar discussions in England and America. The Government will have its advocates as well as its assailers, and considering that a large proportion of the best informed of those who mix in the controversy will be employés of the state, entrusted with maintaining it as an object of respect, I have little fear of the spirit that would prevail, or of the effect of leaving this branch of the press entirely free. But the case is not quite the same with the native press; it may take a malignant turn, calculated and designed to set the whole population against us. The Government cannot then depend on having its cause fairly stated, and much mischief may be done before the public authorities hear of what is going forward or think of providing remedies. In the peculiar position in which the governing authority stands in India, and with reference to the state of feeling and of society amongst the people, I confess I think there is wisdom in the dictum ascribed to one of the warmest advocates of the people's rights, now at the head of the legal profession in England. "When you have a free press on board of a man of war, then you may think of giving one to India". I dread that in its consequences the native press may be subversive of good order and discipline; but the experiment has been com-

menced of leaving this press free, and we have, therefore, now only the choice of endeavouring to influence it, and to give it a proper direction, or of abiding the result, leaving it to pursue its own course, in the confidence that we shall be strong enough to cope with it when we see danger. The late Governor-General appears to have looked upon the existing press laws of this Presidency as good materials to have available in case the necessity should arise for State interference with the press. Therefore, although himself the last person to think of acting under them, and withdrawing any newspaper license for attacks on the Government or its officers, he would not deprive his successors of the means of controlling the press if they should be disposed to use it. I fully participate in the feeling that it would be wrong to take any step calculated to tie up the hands of the Government hereafter, or to deprive it of any of its authority in such a matter. If there were doubt whether upon the repeal of these laws the Government could obtain the *registration* of new, when the occasion for interfering might arise, I should be the last to consent to any abandonment of what had been gained. But none of those forms are necessary now, for, as is forcibly put by Mr. Macaulay, the Legislative Council has but to decide and a law suitable to any emergency can be produced in a day. Instead, therefore, of the hands of Government being tied up, and its powers weakened by the course recommended, the repeal of the existing laws will be but a clearing away of the rubbish and preparation of the ground for any new edifice of legislation that the wisdom of future Governors may determine to erect. I have before said that it is the possible direction that may be given to the native press that I look upon as the source of evil to be guarded against, and that the existing press laws are not calculated to be of any use either in controlling this direction or in providing the necessary means of restraint when the Government may desire to interpose authoritatively to correct effects produced by this press. Looking upon these laws, therefore, to be inefficient, as they are inoperative, for any good purpose present or future, I assent without scruple to the proposition for their repeal, leaving future measures, so far as concerns the security and protection of the Government against the press, to be determined hereafter as circumstances may arise to call for legislation or other interference. It was resolved that the Act for the repeal of existing press regulations should contain provisions calculated to assist persons aggrieved in bringing offences of the press to trial according to the existing laws and in the established tribunals. For this purpose I understood it to be intended, first, to require the printer's name and the place of printing to be entered in every book, pamphlet, or paper printed; also, secondly, to require that the name of the printer and

publisher of every periodical should be delivered in under declaration to the magistrate which declaration, or an *attested copy of it*, was to be received in the civil and criminal courts as evidence sufficient to fix the responsibility for any libel that might appear in the periodical; and, thirdly, to require a copy of every periodical to be forwarded to some office in Calcutta, Madras, and Bombay (where the Supreme Courts are), to be there forthcoming to be produced as evidence of the publication. This is essential, for the difficulty of getting witnesses from Agra and Delhi to prove publication there will otherwise operate to exempt libellers from all responsibility in the Supreme Courts which if they are British subjects ought of course not to be. The draft prepared by Mr. Macaulay provides only for one of these three points, viz., the declaration of the printer and publisher's names in respect to periodicals, but the other two are not less necessary for the security of individuals, and I would submit ought not to be omitted. I reserve for the discussion at the next meeting of the Council the observations I may have to offer in respect to the particular provisions of the draft and the penalties by which the rules are proposed to be enforced. At present I have merely to remark that the forfeiture of *all* property for a second offence of printing and publishing or causing to be printed and published, without declaration as proposed at the end of the second section, will be like making the crime a felony according to the antiquated rules of English law, which surely must be more than is intended.
Calcutta, 17th April, 1835. (Signed) H. T. Prinsep.

Minute by the Hon'ble A. Ross

The reasons stated in the Governor-General's Minute which induced him to propose the abolition of the existing regulations respecting the press, and the arguments contained in Mr. Macaulay's Minute on the subject, are to my mind decisive in favour of the abolition. I do not, with Mr. Prinsep, apprehend any danger from the native press in consequence of the abolition. On the contrary, I think the native press under a law which, leaving it free, provides for its conductors being known and responsible to the courts of justice for what they publish, is likely to aid greatly in preventing danger by exposing and counteracting the practice, known to be resorted to by ill-disposed persons in this country, of circulating seditious manuscript papers anonymously. (Signed) A. Ross.

Minute by the Hon. Lt.-Col. Morison

I fully concur in the expediency of a new press regulation, considered as an enactment for rescinding another which has become obsolete in Bengal, and providing for the want of any

such regulation at the presidencies of Madras and Bombay. I could wish, however, that the proposed draft should provide some means of applying a speedier remedy to the abuse of the press on any emergency when the Governor-General might be absent from his Council or when there might be an urgent necessity for the Government of any of the presidencies to act without the delay of a reference to the Governor-General of India in Council. I think then that it should be declared that although it is meant that the offences of the press should in general be liable only to the cognizance of the courts of law, the Government will retain the power of instantly suppressing any publication, if it should at any time appear to risk the safety of the state; and it would appear but fair to the public that the powers which Government may intend to exercise in cases of emergency should be at once declared and understood. I therefore submit that a clause may be added to the proposed enactment to meet this object. Whether the strong opinions recorded by the late Sir Thomas Munro on the subject of the press in India be correct or otherwise, time alone can determine. I am, however, so deeply impressed with the wisdom and foresight of that eminent person, that I think his opinions on this subject deserve on the present occasion the greatest consideration.* What he most apprehended was the effect which would probably be gradually produced on the minds of the native army, and I confess that I am not free from the same apprehension. The native press in particular will not fail to furnish materials to interest the feelings of that Army, and I am enabled to show from the accompanying copy of a native paper published at Madras that there would probably be a demand for such papers in the native ranks, if the expense of postage were not at present a bar to their transmission to regiments. If then the native press is to be free (as I conclude it is intended) and subject to no other restraint than the English, I would recommend that it should be made the duty of some responsible officer to watch its operations and be acquainted with all its proceedings. I submit these suggestions with the utmost deference, and beg to explain that my sole purpose is that we may possess at all the presidencies the immediate means of preventing evil results, without checking any useful operation of the press, but without the delay which might arise from being obliged to have recourse to the consideration and preparation of a legislative enactment, probably when too late. My suggestions, I am well aware, may be viewed as at variance with the spirit of the times, but they appear to me to be called for by the peculiarity of our position in this country, which I consider the main object to be kept in view. The press is already virtually free, and I am sensible that it must so remain, unless some great event should arise to render it

*See his Minute of the 12th of April, 1822,

Carnatic Chronicle, No. 147, of the 3rd Sept., 1834.

manifestly necessary to place it under some new restraint beyond what is now proposed; but I am of opinion that the most likely mode of preventing the necessity of having recourse sooner or later to that measure will be to provide, in the first instance, that all printers and publishers shall be made clearly aware of the existence of the power inherent in the Government, of instantly putting a stop to the operations of any press, whenever it may become the vehicle of sedition or of discussions manifestly dangerous to the public tranquillity. This is a power which the Government never can relinquish, and I think it would only be just to ourselves and to all parties that there should not exist any grounds for misconception in so important a matter.

Calcutta, April 25, 1835. (Signed) W. Morison.

Minute by the Governor-General.

Colonel Morison proposes the addition of a clause to the proposed press law declaring that the Government will retain the power of instantly suppressing any publication, if it should at any time appear to risk the safety of the State; and that this power shall be common to the Governments of all the Presidencies.

Minute by the Governor-General, dated 27th April, 1835

2. It does not seem to me that such a clause is either necessary or expedient.

3. The power of providing for the safety of the state is inherent in the Legislature and the Government of every country. It is not probable that the safety of the state would be endangered so suddenly by any operations of the press as not to afford time to the Legislative Council to apply a remedy; but if such an extreme case of sudden and imminent danger can be conceived, what Government would hesitate to protect itself until the Legislature of India could provide for the case.

4. To declare that such a power is retained, is not only unnecessary but would convey to the public and to the subordinate Governments a notion that occasions for the exercise of arbitrary power were expected, and that its exercise would not be deemed extraordinary. If I mistake not, our object is to subject the press exclusively to the laws, and to prevent the exercise of arbitrary power, which cannot be conferred consistently with any limitation to the effects of caprice or false alarm.

4. Were we to adopt Colonel Morison's proposition, the power of the Government over the press would be made by law more despotic than it now is. Our proposed press law does not confer any additional freedom on the press either at Madras or Bombay, as those Presidencies enjoy already, the one by law and the other by the absence of law, the same degree of freedom that it is now proposed to extend to Calcutta, and one of them an entire irresponsibility. Any degree of liberty short of that which our law

proposes to grant would be the imposition of restraint at two out of the three Presidencies, and throughout the territories subject to the Madras Government.

6. Colonel Morison also proposes that it should be made the duty of some responsible officer to watch the operations, and be acquainted with all the proceedings of the native press.

7. I think that in all our legislation we ought to be very careful not to make invidious distinctions between European and native subjects. As the proposed law now stands, it will be an act of grace, confidence, and conciliation towards all; and may be expected to produce the effect which such acts are calculated to produce. But if it were alloyed by enactments indicating distrust towards our native fellow subjects, the effect could not fail to be bad on their minds. We should be telling them that we calculated on their disaffection, and dreaded the effect of free discussion. Before we follow such a course, we ought, I conceive, to wait for proof that it is necessary. The native press has for years been as free as the European, and I am not aware that any evil has ensued. It is not certain that the effect of free discussion on the minds of the natives must be wholly and solely bad. It may in many respects be otherwise. It may remove erroneous and substitute just impressions. Along with equal legislation and the establishment of equal rights, it may serve to promote union with them. It may make the Government better acquainted with their feelings, and better able to provide for their wants and their happiness. Disaffection and sedition will operate I believe with more concealed weapons than an open and free press, under the guidance of responsible persons amenable to the laws, from which I do not apprehend that we have anything to fear, unless we must necessarily fear the progress of knowledge; but do what we will we cannot prevent the progress of knowledge, and it is undoubtedly our duty to promote it whatever may be the consequences. It is quite unnecessary to take any measures to watch the proceedings of the native press. They will soon bring themselves to our notice if they require any peculiar precautions. The present is not a new experiment. It is merely a continuance of one which has been practically tried without any bad effect for several years.

8. I am, therefore, of opinion that any restraint on the native press beyond what is imposed on the European would be injudicious; and that any restraint on either, beyond that of the laws, is not requisite. The Act proposed will be productive of good by giving general satisfaction and promoting knowledge. Admitting that in other respects its ultimate consequences cannot be with certainty predicted, I see no reason to anticipate that they must be injurious; and think it will be time to check what is in itself good when we see that it is likely to produce bad effects,

and that we cannot do good with impunity; but if our rule in India is to come to that, we may be sure that we cannot long retain it. A tenure dependent on attempts to suppress the communication of public opinion could not be lasting; both because such a tenure must be rotten, and because such attempts must fail.

C. T. Metcalfe.

I entirely concur in the opinions expressed by the Governor-General in the foregoing minute.

(Signed) A. Ross.
„ T. B. Macaulay.

I beg to submit that it was not my intention to propose any legislative restraint on the native press more than on the European. It appeared to me that the operations of the former were more likely to pass unobserved by Government than the latter, and therefore that some arrangement for watching the progress and effect of those operations might be advisable in the one case which was not required in the other, but I did not mean to suggest, nor do I conceive it necessary, that any provision for this purpose should be introduced into the law which it is proposed to enact.

(Signed) W. Morison.

The preliminary ground had now been fully explored and, on August 3, 1835, the following Act was passed by Sir Charles Metcalfe with the unanimous support of his Council. As the text shows, the new Act repealed the 1823 Press Regulations in Bengal and the Bombay Press Regulations of 1825 and 1827.

Act No. XI. of 1835.

I. Be it enacted, that from the fifteenth day of September, 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing-presses, without license, and for restraining under certain circumstances, the circulation of printed books and papers, passed by the Governor-General in Council on the 5th April, 1823.

2nd.—A Rule, Ordinance, and Regulation for the good order and Civil Government of the Settlement of Fort William in Bengal, passed in Council 14th March, Registered in the Supreme Court of Judicature 4th April, 1823.

3rd.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing of Newspapers and Periodical and other books and papers by persons unknown, passed by the Hon'ble the Governor in Council of Bombay, on the 2nd day of March 1825, and Registered in the Hon'ble the Supreme Court of Judicature at Bombay, under date the 11th May, 1825.

4th.—A Regulation for restricting the establishment of Printing-presses and the circulation of printed books and papers, passed by the Governor of Bombay in Council on the 1st of January, 1827.

II. 1st.—And be it enacted, that after the said fifteenth day of September, 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2nd.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the Jurisdiction within which such work shall be published and shall make and subscribe in duplicate the following declaration:—

"I, A.B., declare that I am the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled——————— and printed (or published, or printed and published) at ————" And the last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3rd.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid, shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher resident within the said Territories, shall be necessary.

III.—And be it enacted that whoever shall print or publish any such Periodical work, as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published any such Periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

IV.—And be it enacted that each of the two originals of every declaration so made and subscribed, as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the said Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the Officer in charge of each original shall allow any person to inspect that original on payment of a fee of One Rupee, and shall give to any person applying a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of Two Rupees.

V.—And be it enacted, that in any legal proceeding whatever, Civil as well as Criminal, the production of a copy of such a declaration, as is aforesaid, attested by the Seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration that the said person was Printer, or Publisher, or Printer and Publisher (according as the words of the said declaration may be) of every portion of every Periodical work whereof the title shall correspond with the title of the Periodical work mentioned in the said declaration.

VI.—Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the Printer or Publisher of the Periodical work mentioned in such declaration, may appear before any Magistrate and make and subscribe in duplicate the following declaration:—

"I, A.B., declare that I have ceased to be the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled————." And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration: and the Officer in charge of each original of the latter declaration, shall allow any person applying to inspect that original on payment of a fee of One Rupee, and shall give to any person applying a copy of the said latter declaration attested by the Seal of the Court having custody of the original, on payment of a fee of Two Rupees: and in all trials in which a copy, attested as is aforesaid, of the former declaration, shall have been put in evidence it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration: and the former declaration shall not be taken to be evidence that the declarant was at any period subsequent to the date of the latter declaration, Printer or Publisher of the Periodical work therein mentioned.

VII.—And be it enacted, that every book or paper printed after the said fifteenth day of September 1835, within the Territories of the East India Company, shall have printed legibly on it, the name of the Printer and of the Publisher, and the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

VIII.—And be it enacted, that after the said fifteenth day of September 1835, no person shall, within the Territories of the

East Indian Company, keep in his possession any Press for the printing of books or papers who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years.

"I, A.B., declare that I have a Press for printing at————."
And this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX.—And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

Free expression of thought for all classes of the country was, we have seen, the principle on which Metcalfe took his stand. To deny it, he said, was to contend "that the essence of good government is to cover the land with darkness." Written over a hundred years ago, his views on the freedom of the press are as apposite to-day as they were in his time. Referring to the opinions of those who opposed his policy he said:

"If their argument be that the spread of knowledge may eventually be fatal to our rule in India, I close with them on that point, and maintain that, whatever may be the consequence, it is our duty to communicate the benefits of knowledge. If India could be preserved as a part of the British Empire only by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country, and ought to cease. But I see more ground for just apprehension in ignorance itself. I look to the increase of knowledge with a hope that it may strengthen our empire; that it may remove prejudices, soften asperities, and substitute a rational conviction of the benefits of our Government; that it may unite the people and their rulers in sympathy, and that the differences that separate them may be gradually lessened, and ultimately annihilated. Whatever, however, be the will of Almighty Providence respecting the future government of India, it is clearly our duty, as long as the charge be confided to our hands, to execute the trust to the best of our ability for the good of the people."[1]

As soon as Act XI of 1835 was received in Madras, the Govern-

[1] *Lives of Indian Officers*, Sir J. W. Kaye, p. 612.

ment of Fort St. George understood why their proposed legislation in connection with the press had not been supported. They then considered the possibility of taking cover under the Company's order of December 30, 1825, forbidding the Company's servants to have any connection with newspapers (see page 157). The following letter was, therefore, addressed to the Government of India (as the authorities at Fort William had now become).

Sir,

Doubts having arisen as to whether the annexed Extract from a Dispatch from the Hon'ble the Court of Directors dated 30th December, 1825, which prohibits any person in the Company's employ from connecting himself as Editor or Proprietor with any newspaper or other periodical journal (unless devoted exclusively to literary and scientific objects) was intended to apply to all persons in the public employ or solely to covenanted and commissioned servants of the Company, I am directed to request that the interpretation given to the Court's order by the Governor-General in Council may be communicated for the information of this Government.

I have the honour to be etc.,

Fort St. George, R. Clerk,
10th November, 1835. Secretary to Government.

The Government of India showed the liberal attitude which animated their policy by the following interpretation of the Company's instructions.

Sir,

I am directed to acknowledge the receipt of your letter No. 1745 dated the 10th instant with its enclosure, and in reply to state that in the opinion of the Governor-General of India in Council the prohibition against having connections with the Periodical Press contained in the Dispatch of the Hon'ble Court of Directors referred to is confined in terms to persons in the service of the East India Company and appointed thereto by the Hon'ble Court of Directors, that is to covenanted and commissioned servants of the Company and does not extend to uncovenanted servants or individuals in the employ of the Government and liable to be removed without reference to the Hon'ble Court.

I have the honour to be etc.,

Fort William, H. T. Prinsep,
25th November, 1835. Secretary to Government.[1]

The Calcutta public testified to their admiration of Metcalfe's enlightened action by erecting on the banks of the Hooghly a

[1] P.P., 25 November, Nos. 8–9 (1835).

public library which became known as "Metcalfe Hall."[1] However, as is well known, Metcalfe paid dearly for his convictions. The Whig Ministry which came into power in 1835 appointed Lord Auckland as Governor-General and proposed that Metcalfe should continue his service in India as Lieutenant-Governor of the North-Western Provinces; a proposal which he only accepted with the utmost reluctance.

Worse was to come: the Dispatch of the Court of Directors on the removal of the press restrictions, dated February 1, 1836, not only condemns Metcalfe's action but insinuates that he was prompted by "an unwise desire for temporary praise." As it is remarkable for the asperity of its tone, the Dispatch is quoted here in full.

Legislative Department, dated 1*st February* (*No.* 1) 1836.
Our Governor-General of India in Council.

1. We now reply to your letter, in the Judicial Department, dated the 18th May 1835, in which you refer to us the proceedings relative to an Act of the Indian Legislature, for removing all restrictions on the Press. The Act was read in Council on the 27th of April, was published in the *Gazette* two days after for general information, and was to be read again on the 1st of August with a view to being passed into a law.

2. This proceeding is in all opposition to all our previous orders, to the solemn decisions both of the Supreme Court at Calcutta and of His Majesty's Privy Council delivered in both cases, after full arguments on both sides of the question, to the recorded opinions of all preceding Governments of Bengal, Madras and Bombay, and more especially to the carefully considered measures of Lord William Bentinck and Sir Frederick Adam for extending the Licensing Regulation to Madras.

3. We are compelled to observe that this proceeding must be considered the more unjustifiable inasmuch as it has been adopted by a Government only provisional; and also, when a Commission for framing a code of laws for the three presidencies, was about to commence its important labours.

4. We must further remark that after an attentive perusal of the Minutes recording the opinions of the Governor-General and of the Members of Council, we find no sufficient reasons assigned for the step now taken, nor any facts whatever brought to our notice upon which we might be enabled to form a right judgment. We look in vain for any detailed account of the actual condition and character of the Press, whether British or native. We have no statement of the aggregate number of or individual

[1] See *Home Miscellaneous Series*, No. 790, pp. 397–9.

sale of the respective newspapers, of the general or particular mode in which they are conducted, of the influence, whether increasing or decreasing, which they may be said to exercise over the British and Indian community. Instead of such obviously indispensable information we are furnished only with the dogmatical assertion of certain principles which may be admitted, and indeed are never denied with reference to one state of society and which amounts to mere idle declamation when applied to another.

5. Nor do you allege the existence of any real grievance the redress of which might justify your proceeding. On the contrary, your Legislative Councillor informs us that "the newspapers have for years been allowed as ample a measure of practical liberty as that which they enjoyed in England," and the only apprehension entertained seems to be, lest the due influence of Government should be weakened by incurring odium for a law never put in force, an apprehension arising from no facts with which you have made us acquainted, and prompted, as it would appear, rather by an unwise desire for temporary praise than a fear of just and lasting blame.

6. We have, moreover, to remark that two of the Members of your Council anticipate much danger from removing the restrictions from the native Press, and give indeed to the new measure a consent, if not reluctant, at least entirely at variance with the whole tenor of their arguments. Even your Governor-General and your Legislative Councillor, with whom the proposal seems to have originated, contend for the safety of withdrawing the licensing system, principally on the ground that the same or any other mode of suppressing at once a mischievous publication may at any time be adopted by sudden and summary proceeding of Government. So that in fact the liberty of the Press will still be dependent upon the opinions and dispositions of those who happen to compose the Supreme Council, and whose apprehensions of danger, whether well or ill founded, will be a sufficient justification for the exercise of that arbitrary authority, which it is the alleged object of your proposed Regulation to dispense with altogether. And admitting the facility of resuming on an emergency, a power thus abandoned (which, however, in common with one of your Council, we are much inclined to question), we should predict that your apparent liberality would be productive of no beneficial results either to the subjects or the rulers of India. The one would not in reality be more free nor the other, except for a moment, be more beloved.

7. We deem it to be wholly unnecessary to examine the details of the law by which you propose to substitute legal responsibility for the present licensing system. Some such law would, it is obvious, be requisite were the change you contemplate to be

finally determined upon, and even without abandoning the licensing system, some of the provisions of the proposed enactment might perhaps be framed into a useful Regulation quite compatible with a reserved power to deal summarily with such offences of the Press, as could not be reached by ordinary legal process. But the main question now before us relates to the abolition of the licensing law, and without entering upon general arguments upon a point so frequently discussed, it is sufficient to repeat that no just grounds, nor indeed scarcely any grounds at all, appear on the face of your Minutes, to reconcile us to the change in contemplation.

8. In cases of emergency much discretionary power must be, and always has been, allowed to your Government. But in this instance, no emergency, no cause for prompt interference is shown or even pretended to exist, and if we were inclined to approve of your measure, we should nevertheless consider your conduct as wholly indefensible for taking a step of such importance without previous reference to the home authorities.

9. We should, then, be prepared at once to avail ourselves of the power entrusted to us by Act of Parliament, and disallow your new law when passed, were we not aware that the immediate repeal of such a law, however ill-advised and uncalled for its enactment may have been, might be productive of mischievous results. We shall, therefore, wait for the deliberate advice of the Governor-General in Council after the arrival of Lord Auckland, your present Governor-General, before we communicate to you our final decision. But you are in possession of our sentiments, and we shall not be sorry to find that by returning to the former system, you have rendered our interference unnecessary.

East India House, W. S. Clarke,
1st February, 1836. T. R. Carnac, etc., etc.

Not content with this caustic Dispatch, the Court of Directors found another opportunity of slighting Metcalfe when, in 1836, he was passed over for the Governorship of Madras. Again he thought of resigning. In answer to his enquiry, one of the Company's Directors frankly informed him that his freeing of the press was unforgiven—though he had not missed the Governor-Generalship solely because of this.

Metcalfe eventually embarked for England on February 15, 1838, a man who had known the stimulus and responsibility of autocratic power, a man who had seen a vision of things to come. As one of his biographers has said, he was "the last of the great men of the heroic age that had lingered so long as he was still in the land."[1]

[1] *Life of Metcalfe*, by Edward Thompson, p. 330.

Metcalfe later became Governor of Jamaica and subsequently of Canada. Meanwhile his presence in England had reinforced the strength of those who had adopted a helpful attitude towards the press—Hastings, Bentinck, Macaulay.

The Buckingham controversy was dragging on. During 1834 a select committee had been appointed to examine once more Buckingham's claims for compensation. Thomas Love Peacock, the poet, was at that time employed as a deputy examiner by the Company, to argue their case. The select committee unanimously agreed that compensation ought to be made to Buckingham and left the amount to be fixed by the Company. Notwithstanding the resolution of the committee, the Company ignored the recommendation so that in the following year (1835) Buckingham's friends were compelled to bring in a bill for compensation before Parliament, the motion to bring in the bill being carried by a vote of 48 to 13. Thereupon, Buckingham's opponents rallied and the motion for a second reading was defeated by 125 to 81.

Dismayed by the turn of events, Buckingham's friends opened a public subscription to provide an annuity for him and his wife. Lord William Bentinck presided over a public meeting to launch the subscription and stated that there was a feeling in Calcutta that Buckingham had been very unjustly treated. The appeal realised a sum of £2,657 and enabled the purchase of an annuity of £100 for Buckingham and one of £80 for his wife. He had already announced, before the beginning of the 1837 session, that he would not seek re-election to Parliament at the forthcoming election. The chief reason was that he could not afford the cost of a political career.

Before leaving the man who did so much to bring the unsatisfactory state of the Company's affairs before the British public, we should glance at those qualities which made him so zealous a reformer, whether it was in the cause of political and intellectual freedom, temperance, or social reform. One of his opponents' chief arguments against Buckingham was that he introduced himself and his own grievances during parliamentary and other public speeches. But that was the very essence of the man's personality. His approach was entirely subjective. When he spoke of reform in the naval services, he drew on his own experiences as a mariner. When he advocated the freeing of the press in India, he spoke with a knowledge of one who had built up a journal from small beginnings to become the most widely circulated newspaper in India. He had developed a property and had lived to see it

transferred over his head to others by a Government which was dominated by persons who considered it their primary duty to keep a hold on the country.

Buckingham, while he never received official recognition of the material damage he had suffered, had the satisfaction of gathering supporters who were true to the ideals for which he stood. But he also knew the disappointment of betrayal. For example, Sandford Arnot eventually turned against him and published, with the support of the Company, "*the History of the Indian Press . . . with a disclosure of the . . . extraordinary and hitherto unheard of conduct of Mr. James Silk Buckingham.*" Even Lord John Russell, who presided over the Select Committee which recommended that compensation should be paid, was absent from Parliament when the motion was discussed; a fact which caused Buckingham bitter disappointment. Years later, in 1851, when he was 65, he was granted a Civil List pension for two hundred pounds but he only lived for four years to enjoy this grant.

Metcalfe and Buckingham were now out of the Indian scene but their endeavours and ideals were bearing fruit. Three factors were leading to a great increase in the newspaper reading public: the emancipation of the press, the spread of the knowledge of English, and the rapid commercial expansion.

Let us first turn to Bombay. In Chapter Four we noted that the *Bombay Courier* was founded in 1790. Like most of its contemporaries, it saw various vicissitudes as a result of the operation of the press regulations. With the change of policy in 1835 it shared the immediate stimulus which was given to the press throughout the country. In 1836, when the city was seething with commercial energy, when the Chamber of Commerce was founded, when the Bank of Bombay was being projected, when the establishment of a steamship service and of the overland route to Europe were the subjects of daily discussion and heated arguments, never was there a better time for a newspaper venture. And the men who seized the opportunity were for the most part connected with the new merchant houses which had come to Bombay to share the profits of trade and banking, previously monopolised by three old East India firms.

A number of firms and individuals were concerned in the enterprise which was published on Wednesdays and Saturdays with the title of *The Bombay Times and Journal of Commerce*. The Editor of the new journal, Dr. J. E. Brennan, explained, in the first issue, the objects with which the paper had been founded.

He deplored the little attention that England gave to India, and the fact that few Englishmen thought of visiting that country; yet India, viewed in any aspect, presented a wide field not only for philosophical investigation but for practical exertion. He went on to discuss the need for education among the people of India, "whose capacity for improvement is inferior to none" but whom he regarded as "the spellbound victims of ignorance and delusion," and concluded with an enthusiastic reference to the coming establishment of "a steam communication" with England and the benefits that would follow it.

The scope of the paper is best summed up in its own words:

> "Arrangements," said a preliminary advertisement of the paper, "have been already made for securing the earliest possible intelligence upon all subjects of politics, science and literature. All changes and promotions in the Civil, Military and Naval Services, and everything of interest connected with these, will be regularly and correctly recorded, and a portion of its columns will be set apart for giving to the Mercantile Community, both here and in England, the fullest and most authentic commercial intelligence. Complaints relative to public or individual grievance will meet with all due notice and enquiry, and be discussed in a free and independent spirit, and with strict care that the tone and language shall be such as can give personal offence to none. With regard to those questions of British and European politics which principally excite the public attention at home, such articles will be extracted from the leading organs of every political party as may present to the reader a comprehensive view of the opinions and feelings of each."[1]

The placid and painstaking Lord Auckland was entirely in favour of Sir Charles Metcalfe's liberation of the Indian Press and during his regime cordial relations existed between him and the editors of the various Calcutta newspapers. He endeavoured to persuade the Company to withdraw their prohibition against their servants being connected with the press since, as a number of the Company's senior officers were regular contributors to the newspapers, the order had become a dead letter. The result of his endeavour was the following Notification:

> No. 1608 Notification, Fort William,
> Political Department,
> 28th June, 1841.
>
> With reference to a Notification from the General Department of the 11th May, 1826, the Governor-General in Council is pleased

[1] *The Times of India Centenary Supplement*, May, 1938.

to notify that by Paragraph 3 of a letter of the Hon'ble the Court of Directors in the Political Department, dated 21st April (No. 9 of 1841), the existing prohibition against the connection of their Servants with the public newspapers has been revoked, subject to the restraints upon Military Officers by the rules of the service.

By order of the Right Hon. the Governor-General in Council.

T. H. Maddock,

Secretary to the Government of India.[1]

In 1836, Lord Auckland asked John Clark Marshman (son of Dr. Joshua Marshman of Serampore) to report on the press in Indian languages and the following are the circulations quoted by the missionary.

The *Sumachar Chandrika*, 200 or 250; the *Sumachar Durpan*, 398; the *Bunga Doot*, less than 70; the *Purnachandradaya*, about 100; the *Gyananneshun*, between 150 and 200. Mr. Marshman added that he had the best authority for believing that not a single copy of any paper was read by the Native Officers or Sepoys of the Army.

The *Sangbad Rasaraj* and the *Sangbad Bhashkar* were founded in 1839 and both became prominent. The following year J. C. Marshman published, on July 2, the *Bengali Government Gazette* which aimed at explaining the proceedings of Government from a constitutional point of view.

Though English had been adopted as the language of the Courts, Persian continued to be widely used as the medium of conversation and the dissemination of information. At this time at least five Persian newspapers were in existence, *The Jam-i-Jahan Numa*, for some time a semi-official organ, *The Aina-i-Sikander*, *The Sultan-ul-Akbar*, *The Mah-i-Alam Afroz* and *The Mihr-i-Munir*.

By 1839, Calcutta had twenty-six European newspapers (six of which were dailies) and nine Indian newspapers, Bombay had ten European journals and four Indian. Madras had nine European journals and Ludhiana, Delhi, Moulmein, Agra and Serampore, each had one newspaper.

We should at this stage glance at the general situation. The new factors which differentiated the second quarter of the nineteenth century from the first quarter were, firstly, that the East India monopoly no longer existed, secondly, that the administration had assumed some responsibility for education, and thirdly, that the English language was being used as the medium of instruction.

[1] *The Letters of Indophilus* (Sir Charles Trevelyan), p. 43.

Two considerations stand out as of great significance because they have an important bearing on the press of to-day. One arose in the fact that both the East India Company and the administrations which developed from it regarded the principle of religious neutrality as essential. As a result, the schools did not profess to impart religious knowledge and were entirely secular so far as the Hindu and Muslim communities were concerned. In consequence the Muslims, who were convinced that the only type of education worth following was a religious education, did not avail themselves of the opportunities offered to the same extent as the Hindus did. Moreover, the Muslims at this time were also displeased by the adoption of English in the Courts in place of Persian, and it was many years before the community modified its attitude.

As a result of their hostility to secular education, the Muslims as a community were backward and consequently there was practically no Muslim press in English. It was due to the work of two brothers that the Muslim attitude was reversed. Sir Syed Ahmad Khan, who will always be remembered as the founder of the Aligarh Muslim University, led the way in the field of education. His elder brother, Syed Mohammed Khan, led the way in journalism by founding the *Sayyad-ul-Akhbar*, probably the first Urdu newspaper, which was published in Delhi in 1837. Unfortunately, the editor died while still in his prime and the paper was continued by Sir Syed Ahmad Khan who was compelled to suspend it as he was occupied with other work. In 1838, the *Delhi Akhbar* appeared and this was followed by the *Fawaidi-Nazarin* and the *Quran-ul-Saadin*, the two latter being edited by Hindus.

The other factor which governed, and indeed still governs, the educational situation was the realisation that the educational edifice was top-heavy. More and more members of the higher classes of Indians were becoming literate in English but hardly any impression had been made on the masses.

Once again the Government considered the possibility of establishing an official organ. The Bombay Government had put forward a proposal that it should have a mouthpiece of its own and the question arose whether a similar arrangement should not operate in Bengal. Accordingly, a conference took place between a number of officials and leading journalists, including J. C. Marshman, the editor of the *Friend of India*, Joachim Hayward Stocqueler, editor of the *Englishman*, and George Prinsep, the

editor of the *Calcutta Courier*. But as the most convincing arguments were against the establishment of a Government organ, Lord Auckland rejected the proposition.

In February, 1842, Lord Ellenborough became Governor-General of India but his tenure of office was brief. He had been three times President of the Board of Control and was not particularly interested in the views of the press. The only step he took affecting its interests was to pass an order which had the effect of widening the breach between officials and the newspapers. In August, 1843, Colonel (afterwards Sir) William Sleeman, then Assistant Agent to the Governor-General, had been criticised in the *Delhi Gazette* for his management of the Bundelkhund and Saugor territories. In a letter to the *Bombay Times* Colonel Sleeman refuted the charges made against him and supported his case by attaching translations of the official documents which he had sent to Lord Ellenborough.

The *Bombay Times* published both the letter and the enclosures and Lord Ellenborough was most annoyed that his own orders had been the subject of publicity. Accordingly, he passed the following order.

No. 150. Fort William,
Foreign Department,
30th August, 1843.

Some misconception appearing to exist with respect to the power which Officers of both Services have over the documents and papers which come into their possession officially, the Governor-General in Council deems it expedient to notify that such documents and papers are in no case to be made public or communicated to individuals without the previous consent of Government to which alone they belong.

The Officer in possession of such documents and papers can only legitimately use them for the furtherance of the Public Service in the discharge of his official duty; and it is to be understood that the same Rule which applies to documents and papers applies to information of which Officers may become possessed officially.

By order of the Right Honourable the Governor-General in Council.

J. Thomason,
Secretary to the Government of India.[1]

The effect of this order was to deprive Government measures

[1] *The Letters of Indophilus* (Sir Charles Trevelyan), p. 43.

of any authoritative defenders, a result which Sir Charles Trevelyan, who had frequently written to the press under the pen name of "Indophilus," thought unfortunate. In his view

> "Freedom of the press in British India is *inevitable*. We could not hold the country with advantage either to ourselves or to the natives, even if we could hold it at all, unless Englishmen not in the service of the Government went thither in considerable numbers to trade and exercise their professions; and Englishmen are not disposed to embark their fortunes in a country in which they are debarred from the free expression of their opinions. They can bear the suspension of their Parliamentary privileges, but the freedom of discussion through the press is as necessary to them as the air they breathe. It is a habit which they cannot cast off, and it is felt by them to be a practical security against abuse, and a practical means of influencing public measures which goes a great way towards supplying the place even of a free Parliament. . . .
>
> The freedom of the press in British India is also, on the whole, *highly beneficial*. In the absence of a Representative Assembly, for which India is at present totally unfit, there is no other medium through which abuses can be brought to light and the sense of the community be taken on matters of general interest. There cannot be a greater evil than that public officers should be exempted from the control of public opinion. In Lord William Bentinck's, Lord Metcalfe's, and Lord Auckland's time the press was held in wholesome respect by the public functionaries, even at the most remote stations, and it acted as a sort of moral preventive police, furnishing in a fair degree, in reference to the whole governing body, an answer to the question "*Quis custodiet ipsos custodes?*" . . ."[1]

According to J. H. Stocqueler, Lord Ellenborough was actually "unfriendly" to the press. "We, the editors, had been accustomed to receive from his predecessor an outline (judiciously prepared by his secretary, Mr. John Colvin) of the intelligence which arrived almost daily in Calcutta from the vicinity of Afghanistan. Lord Ellenborough stopped this useful supply for no conceivable reason. I called at Government House, and, in an interview vouchsafed by the autocrat, remonstrated with him on what was at least a piece of bad policy. He admitted the weight of the arguments advanced, and directed Captain Henry Durand, his secretary, afterwards the distinguished and much lamented lieutenant-governor of the Punjab, to continue the supply of the requisite budget of news. In a week or two, Lord E. capriciously

[1] *The Letters of Indophilus* (Sir Charles Trevelyan), pp. 44–5.

revoked the order, and of course the public were left entirely in the dark as to the fate of their captive friends, or the intended policy of retribution. Falsehoods naturally found their way into the public papers, and no means were now left of contradicting rumours or refuting calumnies."[1]

Since Stocqueler left India about the same time as Lord Ellenborough, the following comments may be quoted: "I found that (the press) of Western India in 1823 in a childish condition, that of Bengal essentially weakened by commercial failures and gubernatorial persecution. I remained long enough, with the exception of two brief visits to England, to see it reach a healthy maturity, and to become, literally, the organ of public sentiment, and a useful auxiliary of the government."[2]

Still, the "old Tories" were active in their hostility towards the expansion of liberal ideas, whether it was amongst Indians or in the ranks of their own servants. Both the House of Lords and the House of Commons were accustomed to such sentiments as those of the Duke of Wellington. Addressing his fellow Peers on March 9, 1843, he declared:

> "The state of things in that country (India) is one of much greater difficulty than when I was there, because there is now established in India what is called a free press, but which I should make free to call a most licentious press; and by referring to these papers your Lordships will see that the mischievous influence of that press is repeatedly complained of. For my own part I must own I do not see how the operations of war can be carried on in a satisfactory manner in India, with such a press constantly exercising its influence, and connected through its correspondents with every cantonment of the army."

After a brief period when William Wilberforce Bird officiated, Lord Hardinge (Lord Ellenborough's brother-in-law) became Governor-General. He was primarily a soldier and no events affecting the status of the press took place during his term of office.

Lord Hardinge was followed, in 1848, by the young and brilliant Lord Dalhousie who described himself as "a curious compound of the radical and the despot." During his term of office discussions were revived regarding the establishment of a Government newspaper. In 1849, when the Governor-General was pursuing his annexation policy, the desirability of official news-

[1] *Memoirs of a Journalist*, p. 122. [2] ibid., p. 125.

paper support was canvassed. But though Lord Dalhousie might have considered such a scheme, it never took a tangible form.

On November 15, 1851, the *Rast Goftar* was published in Bombay as a fortnightly newspaper. Its editor was Mr. Dadabhai Naoroji, who afterwards became the first Indian Member of Parliament, and its financial supporter Kharshedji Cama. The following year Mr. Dadabhai Kavasji founded the *Akhbar-e-Soudagar* as a Gujerati tri-weekly.

In 1853 when the Select Committee of the House of Lords was enquiring into the operation of the India Acts, Dr. George Buist, the editor of the *Bombay Times* who was then on leave in England, presented a petition to the Committee in connection with the Indian Press. Various witnesses had made statements regarding the condition of the press to the effect that it was "hostile to Government, and continually engaged in impugning and slandering its proceedings." Dr. Buist's petition strongly urged that such witnesses should not be credited but that the Committee should summon such persons from India, or those at present in England, who had been connected with the Indian Press.[1]

Buckingham had also taken the opportunity of the appointment of the Select Committee to again place his proposals before Parliament. He advocated the abolition of the Court of Directors and the proclamation in India of the sovereignty of Queen Victoria who, he urged, should appoint a Viceroy to act as her representative. The dual responsibility in London, of the Board of Control and the Court of Directors, would thereby cease and the sole responsibility for the Indian Government should be placed in the hands of a Secretary of State for India. Buckingham further suggested that there should be an elected Indian Legislature composed of ten English and ten Indian members and the English constituency should also send representatives to the House of Commons. Instead of the system of nomination, he proposed that entrance to the Indian Civil Service should be by open examination.[2] These proposals fell on deaf ears. What argument failed to achieve, was to materialise as a result of unforeseen circumstances a few years later.

The Company's Charter was renewed in 1853 but the forces of

[1] See *Petition complaining of the Evidence given before the Select Committee of this House on the Government of India Territories on the subject of Newspapers in India*, of Dr. George Buist.

[2] See *Plan for the Future Government of India*, by James Silk Buckingham (1853).

progress were now in the ascendant and an important landmark in the educational outlook was Sir Charles Wood's famous Dispatch of 1854. This laid stress on the importance of primary education, the establishment of Committees of Public Instruction in all the Provinces, and outlined a scheme for the founding of universities in Calcutta, Madras and Bombay. Private educational institutions were also to be encouraged by a policy of grants-in-aid.

In 1856 Lord Canning became Governor-General. With the diffusion of knowledge, expansion of commerce, and increasing awareness on the part of the people of the necessity of political and social reforms, an independent liberal observer must have felt that the country was entering into an era of progressive enlightenment. But this was not to be. An event took place which was to cloud the relationship between Indians and their alien governors for many decades to come.

CHAPTER TEN

CHRONOLOGICAL TABLE

1830 Semaphoric system of communication used in Calcutta.

1840 Carriages introduced into India; telegraph used in England.

1851 Telegraph line used in Calcutta.

1857 Indian Mutiny; 274 miles of railway line opened.

1860 Completion of submarine Telegraph Line between India and England.

1865 Completion of land Telegraph Line between India and England.

1869 Opening of Suez Canal.

1870 Rival Telegraph company in operation.

CHAPTER TEN

A CONTRACTING WORLD

FROM questions of policy let us now turn to the technical advances which were to make so vast a change in newspaper methods. Rapidity of communication being so obviously an important factor in the distribution of news, the development of postal and telegraphic facilities marks an important advance in the history of the press.

In the eighteenth century, as we have already seen, the Hon'ble Company's ships took from three to eighteen months to make the voyage, round the Cape, to India. Private letters or packages transmitted by the Company's ships were charged as follows:

> "Every private letter or package which weighs more than two ounces to be taxed with the payment of four sicca rupees; every one exceeding three ounces, nine sicca rupees; exceeding four ounces, sixteen rupees; and so on."

When it is recalled that a sicca rupee was valued at two shillings and sixpence, it will be realised that the cost of news despatches was by no means light. These rates were in force in 1793.

We now come to the internal postal arrangements. Lord Clive had, in 1766, introduced a postal system but this was mainly used for official despatches. It was not until the administration of Warren Hastings that the postal service was made available to the public. An organisation was set up in 1774, but it was not in any sense a general service and was only maintained between the large cities by means of couriers. The postal services in the districts were the responsibility of the large land holders.

The *Calcutta Gazette* of May 21, 1795, contains this advertisement:

> "For the use of public offices this day is published price eight rupees—a Map of the Post Roads through Bengal, Behar, Orixa, Oude, Allahabad, Agra and Delhi; with the rates of postage from Calcutta. Compiled from the most correct Surveys, and the latest Post Office Regulations by A. Upjohn. . . ."

An Act of 1837 established a public postal service in India and a further Act twenty years later introduced postage stamps for the

first time, as well as a uniform rate of payment irrespective of distance. This latter measure was a consequence of the adoption in England, in 1839, of Sir Rowland Hill's scheme of a penny postage on all letters.

Between 1840 and 1850 carriages, drawn by horses or bullocks, were brought into use. Up till that time, as has already been mentioned, despatches were carried by couriers and travellers had to rely on the use of palankeens or palankeen carriages drawn by coolies. By 1845 three experimental lines of railways had been sanctioned by the East India Company and twelve years later 274 miles of railway line had been opened. Shortly afterwards contracts were entered into for the construction of 5,000 miles of line which were to link the principal cities of India.

From 1830 till 1855 the mercantile community of Calcutta had contributed towards the cost of maintenance of a system of semaphoric communication which had been constructed by the Government for the service of the capital. This system has thus been described:

> "The mode of working them (semaphoric towers) was by signals, such as those used on the railway lines, but much more clumsy. In foggy weather the semaphores were useless, as the signals could not be perceived; at nights also, the happy signallers of those days were permitted to enjoy their night's slumbers undisturbed, as the signals were not illuminated and hence could not be seen. This system of telegraphy continued in operation till the introduction of the present electric telegraph."[1]

In Europe, Morse had constructed a telegraph transmission instrument in 1835 and Stenheil completed another in 1837. Three years later "A miniature line of land telegraph, set up on the four miles of Blackwall railway in 1840, however limited its operation, was so successful that, in 1845, roadside wires had lost their novelty in England; and while speculations in the American press foreshadowed the great event of the Atlantic cable, a proposal was actually submitted in the course of that year to the British Prime Minister of the day, for a joint land and sea telegraph of more than one thousand times the extent of the Blackwall experiment. By such mixed telegraph, communication was to be established with India, *via* France, Sardinia, Malta and Alexandria."[2]

[1] *The Good Old Days of Honorable John Company*, by W. H. Carey, Vol. II, p. 165.

[2] *Telegraph and Travel*, by Colonel Sir Frederick John Goldsmid, C.B., K.C.S.I. (1874), p. 60.

By 1851 a telegraph connection had been established between London and Paris and in the same year Dr. W. O'Shaughnessy (later Sir William), then a professor of chemistry in the Calcutta Medical College, constructed a telegraph line between Calcutta and Diamond Harbour. As a result of this success, the Board of Directors of the East India Company gave permission for the construction of telegraph lines from Calcutta to Bombay *via* Agra and from Agra to Peshawar and from Bombay to Madras. Dr. O'Shaughnessy was appointed Superintendent of Indian Telegraphs and the lines were opened for general traffic in 1855. In this great work the scientist was assisted by Lieutenant Patrick Stewart (later Colonel) an exceedingly able young officer of the Bengal Engineers. The story of this brilliant engineer is told by Sir Frederick Goldsmid in the work to which reference has already been made.[1]

Two years later the Indian Mutiny broke out. Wide use was made of the telegraph system by the military authorities and copies of original telegrams may be seen in many museums in northern India. Thus wrote the Correspondent of the *Times:*

> "Never since its discovery has the electric telegraph played so important and daring a role as it now does in India. Without it the Commander-in-Chief would lose the effect of half his force. It has served him better than his right arm. By it he is enabled to direct the march of his battalions, the movements of his artillery and cavalry, to receive news of their successes, to survey, as it were, at any one time the whole position of his army and of its auxiliaries, to communicate with the Governor-General and with his subordinate generals, to sift the truth from the falsehood of native information, to learn what posts are likely to be threatened, where the enemy are in force, to spare his staff and his messengers, and yet to send messages with clearness and despatch. So much for its importance. As to the daring action of the telegraph, which includes of course those who direct it, I need only observe that in this war, for the first time, a telegraph wire has been carried along under fire and through the midst of a hostile country. *Pari passu*, from post to post it has moved on with our artillery, and scarcely has the Commander-in-Chief established his head-quarters at any spot where he intended to stay for a few days when the post and the wire were established also. The telegraph was brought into communication with the Governor-General at Allahabad, with Outram at the Alam-bagh, with Calcutta, Madras, Bombay, and the most remote districts over which the system is

[1] ibid., pp. 9–59.

distributed. It is mainly to the zeal, energy and ability of a young officer of the Bengal Engineers, Lieutenant Patrick Stewart, that these advantages are due. He is assisted, it is true, by a few men, but he it is who devises and superintends the execution and the extension of the line from place to place. At one time his men are chased for miles by the enemy's cavalry—at another time they are attacked by the Sowars, and they and the wires are cut to pieces—again, their electric batteries are smashed by the fire of a gun, or their cart knocked to pieces by a round shot; but still they work on, creep over arid plains, across watercourses, span rivers and pierce jungles, till one after another the rude poles raise aloft their slender burden, and the quick needle vibrates with its silent tongue amid the thunder of the artillery. While Sir C. Campbell was at Cawnpore he could learn from Sir James Outram the results of an attack before the enemy had disappeared from the field. As he advanced towards Lucknow, the line was carried with or soon after him; a tent was pitched near his, a hole was dug in the ground and filled with water, and down dropped the wire from the pole stuck up in haste, dived into the water otter-like, the simple magnet was arranged, the battery set in play, and at once the steel moved responsive to every touch. Owing to the extreme dryness of the atmosphere and the power of the sun, which at this season bakes the earth like a brick, the insulation of the current is nearly complete. The wire is thick, and is not protected by non-conductive coatings of any kind; it is twisted round the top of a rude pole, fifteen or sixteen feet high, and, under ordinary states of the atmosphere, it is found to answer perfectly. We had not been very long in the Dilkusha ere we saw, in dim perspective, the line of posts advancing towards us, and soon the wire was slipped into one of the drawing-room windows, and now it is at full work, surrounded by all the shattered splendour of the palace, inquiring after the Ghoorkas, asking for more of something or other, exchanging ideas between Sir Colin and Lord Canning, or flurrying along a newspaper message to yourself, amid the whistle of the bullet, the roar of the round shot, and all the feverish scenes of war."[1]

The Indian Mutiny and the war in Persia provided a strong stimulus for the establishment of telegraphic connection between India and Britain, for the authorities in London were keenly aware of the desirability and necessity of quicker means of communication.

This is not the place to tell of the many tedious negotiations—some of them commercial and some diplomatic—which led up to

[1] See *My Diary in India*, by W. H. Russell.

the enterprise. The story is to be found in the works of Sir Frederick Goldsmid and Mr. J. C. Parkinson's *The Ocean Telegraph to India*. The "Correspondence respecting the Establishment of Telegraphic Communications in the Mediterranean and with India" also covers the details of the negotiations.

Political and commercial circles were much interested in the possibilities of the new service. In a Government Gazette Extraordinary, dated April 20, 1860, we read:

> The Viceroy and Governor-General of India has had the honour to receive from Her Majesty The Queen, the following most gracious message:
>
> "The Queen congratulates the Viceroy and Governor-General of India on the completion of the Telegraph line which connects the Indian Empire with England.
>
> The Queen has much pleasure in sending by this new mode of communication Her greetings to Her Native Allies, and to the Princes and people of India.
>
> The Queen trusts that this rapid communication will under Providence, be the means of increasing the prosperity of all classes of Her subjects both in England and India."
>
> Although there continue to be interruptions to the complete efficiency of the Submarine Telegraph, His Excellency deems it right that Her Majesty's most gracious message be made known to all in India.
>
> By order of His Excellency the Viceroy and
> Governor General of India,
> Cecil Beadon,
> Secy. to Government of India.

The first telegraph line was actually completed—with an exchange of telegrams between England and Bombay—on January 27, 1865. Many were the technical and diplomatic difficulties, however, which remained to be solved before the line could be pronounced successful. The line traversed Ottoman territories where the standard of efficiency was below that demanded by a public service.

For some five years the Indo-European Telegraph Department enjoyed a monopoly of traffic between Europe and the East and its earnings during the period amounted to approximately £92,000 per annum while its expenditure amounted to some £87,000. Thus, there was a margin of profit on the undertaking. In March, 1870, a rival company, the Eastern Telegraph Company, began to operate and the traffic was shared between the two concerns.

From the inception of the service to the end of 1868 the tariff was £5 for a message of twenty words. In 1869 the charge was reduced to £2 17s. 0d., partly because the public complained of the heavy rate and partly because the representatives at the International Telegraph Conference held in Vienna in 1868 thought that the rates beyond Europe should be made less costly.

Shortly afterwards a third company, the Red Sea line, was in the market. While the amount of traffic increased, it had to be divided between the three concerns and the rates began to fluctuate in accordance with the new conditions. The expensive rates and the system of a minimum of twenty words for each message led to the establishment of "packers" and codifying. Single words would represent whole sentences and the "packers" would collect, let us say, four separate messages and combine them into a single telegram of twenty words. As a result of this development, ten-word messages at half the prevailing rates were introduced. Subsequently, a simple word tariff was established.

Accustomed as we are to-day to the high-speed transmission of cable and radio messages, the time taken by the earliest cables seems almost fantastic. In 1865, when the service began, the average speed of the telegraph working over the Turkey route was 6 days, 8 hrs. 44 mins. Cables sent *via* Russia and Persia during the same year took an average of 17 days, 5 hrs. 5 mins. The Russian route was hardly organised for systematic working, however, and few messages were transmitted by this service.

By 1873 improved technique and more effective international co-operation resulted in the average speed *via* Turkey being reduced to 19 hrs. 12 mins., while *via* Russia and Persia messages were transmitted at an average speed of 3 hrs. 9 mins.

The extent to which the press availed itself of these new facilities was limited on account of the high cost. But as soon as the strategic importance of the cable was fully realised, steps were taken to extend the system throughout the British Empire. The plans adopted were so devised that it was predicted that "by the end of 1874 England will be supplied with news not twelve hours old from every part of the civilised globe."

In the meantime yet another advance had been made in the history of communications. This was the opening of the Suez Canal in 1869.[1] As a result, not only was the voyage to India

[1] See *Observations on the Practicability and Utility of Opening a Communication between the Red Sea and the Mediterranean* by Arthur Anderson (1843) for interesting account of project.

shortened, but regular sailings were undertaken within a guaranteed time.

A further mechanical invention which was to facilitate the distribution of news was the printing press operated by steam power. It is common knowledge that the London *Times* (the issue of November 29, 1814) was the first newspaper to be printed by steam power. In the beginning it was only possible to print on one side of the sheet but later a machine was invented to print upon both sides. The small circulations of Indian newspapers did not necessitate the use of elaborate printing presses, while the newspapers in Indian languages were either composed by hand, or written by calligraphists and printed by the lithographic method. Until the *Statesman* imported the first rotary machine into India, flat bed printing machines costing a few hundred pounds and fed by hand with single sheets were adequate for Indian circulations.

Europe and America, however, were going through a period when the ever-increasing circulation of daily newspapers was acting as a stimulus to mechanical invention. The result was the evolution of the revolving or rotary printing press. Side by side with the development of printing presses, a process of mechanical type-setting was also evolved. It was first used in the United States. Similarly, the invention of papermaking machinery was of immense value to the newspaper world.

The close of the nineteenth century saw many inventions, the effects of which were to annihilate space and time; the development of roads, the electric telegraph, the submarine cable, the opening of the Suez Canal, type-setting and printing machinery and cheaper news-print. The days when news from Europe took nine months or more to reach readers in India had receded into history.

CHAPTER ELEVEN

CHRONOLOGICAL TABLE

1856 Lord Canning Governor-General.

1857 Indian Mutiny; Promulgation of Press Act.

1858 Crown takes over the Government of India from East India Company; Lord Canning becomes Viceroy.

1861 India Councils Act; Bombay *Times*, *Standard* and *Telegraph* become the *Times of India*.

1862 Lord Elgin becomes Viceroy.

1864 Sir John Lawrence Viceroy.

1865 *Pioneer* of Allahabad established.

1867 Press and Registration of Books Act.

1868 *Amrita Bazar Patrika* founded. *Madras Mail* founded.

1869 Lord Mayo Viceroy.

1870 Indian Penal Code amended.

1872 Lord Northbrook Viceroy.

1873 Enquiry into Indian-owned press of Bengal.

1875 *Statesman* of Calcutta founded.

1876 Lord Lytton Viceroy; *Civil and Military Gazette* (incorporating the *Mofussilite* of Agra) published from Lahore.

1877 Victoria proclaimed Empress of India; *Tribune* of Lahore founded.

1878 Vernacular Press Act promulgated; *Hindu* of Madras founded.

1881 Lord Ripon repeals Vernacular Press Act.

1884 Lord Dufferin Viceroy.

1885 Indian National Congress established.

1888 Lord Lansdowne Viceroy.

1889 Indian Official Secrets Act.

1890 *Indian Social Reformer* founded.

1894 Ninth Earl of Elgin Viceroy.

1898 Amendment to Indian Penal Code.

CHAPTER ELEVEN

THE MUTINY AND AFTER

In May, 1857, the Indian Mutiny—or War of Independence, as some historians prefer to call it—broke out at Meerut. With the origins and development of the insurrection we are not concerned but in its consequences, both constitutional and social, we are directly interested.

While the rebellion was still in progress, and there were engagements in Agra, Oudh, and a large part of Central India, the press was teeming with statements of a highly provocative nature; inflammatory incitements to revenge appeared in both the editorial and correspondence columns of the Anglo-Indian newspapers. Writing on the subject some six years later, Sir George Trevelyan says:[1]

> "The tone of the press was horrible. Never did the cry for blood swell so loud as among these Christians and Englishmen in the middle of the nineteenth century. The pages of those brutal and grotesque journals published by Hebert and Marat during the agony of the French revolution, contained nothing that was not matched and surpassed in the files of some Calcutta papers. Because the pampered Bengal sepoys had behaved like double-dyed rascals, therefore every Hindoo and Mussulman was a rebel, a traitor, a murderer; therefore, we were to pray that all the population of India were to have one neck, and that all the hemp in India might be twisted into one rope. It would be wearisome to quote specimens of the style of that day. Every column teemed with invectives which at the time seemed coarse and tedious, but which we must now pronounce to be wicked and blasphemous. For what could be more audacious than to assert that Providence had granted us a right to destroy a nation in our wrath?—to slay, and burn, and plunder, not in the cause of order and civilization, but in the name of our insatiable vengeance, and our imperial displeasure? The wise ruler, whose comprehensive and impartial judgment preserved him from the contagion of that fatal frenzy, was assailed with a storm of obloquy for which we should in vain seek a precedent in history. To read the newspapers of that day, you would believe that Lord Canning was at the bottom of the whole mutiny; that upon his head was the guilt of the horrors of Cawnpore and Allahabad; that it was he who had passed round

[1] *The Competition Wallah* (1864) pp. 299–300. See also pp. 437–441.

the chupatties and the lotahs, and spread the report that the Russ was marching down from the north to drive the English into the sea. After all, the crime charged against him was, not that he had hindered the butchery, but that his heart was not in the work. No one had the face to say, or, at any rate, no one had the weakness to believe, that Lord Canning had pardoned any considerable number of condemned rebels. His crying sin was that he took little or no pleasure in the extermination of the people whom he had been commissioned by his Sovereign to govern and protect."

A scrutiny of the Anglo-Indian newspapers of the period shows that this general account in no way exaggerates the deplorable tone of the anti-Indian press. The Indian Press was likewise demoralised by the violent passions which had been let loose, and printed and manuscript incitements to rebellion were widely read. A state of affairs existed which, in the opinion of the Government, could not be allowed to continue and, on June 13, 1857, a new Act to regulate the establishment of printing presses and to restrain in certain cases the circulation of printed books and papers was promulgated. This measure became known as the "Gagging Act."

Exercising his prerogative, Lord Canning presided over and addressed the Legislative Council on the new measure. First of all he referred to the calamitous results of the insurrection and declared:

"I doubt whether it is fully understood or known to what an audacious extent sedition has been poured into the hearts of the native population of India within the last few weeks under the guise of intelligence supplied to them by the native newspapers. It has been done sedulously, cleverly, artfully. Facts have been grossly misrepresented—so grossly, that, with educated and informed minds, the very extravagance of the misrepresentation must compel discredit. But to native readers of all classes scattered through the country, imperfectly acquainted with the proceedings of the Government, and not well instructed as to what is passing even immediately around them, these misrepresentations come uncontradicted and are readily credited.

In addition to perversion of facts, there are constant vilifications of the Government, false assertions of its purposes and unceasing attempts to sow discontent and hatred between it and its subjects. . . .

The remarks which I have taken occasion to make with reference to the Native Press, I do not direct to the European Press. But I see no solid ground upon which a line can be drawn marking off one from the other when the question is to prevent matter

calculated to work mischief at a crisis like this. For whilst I am glad to give credit to the conductors of the European Press for the loyalty and intelligence which mark their labours, I am bound by sincerity to say that I have seen passages in some of the papers under their management, which, though perfectly innocuous so far as European readers are concerned, may, in times like the present, be turned to the most mischievous purposes in the hands of people capable of dressing them up for the native ear. I am glad to admit that the Bill is not especially levelled at the European Press; but I do not see any reason, nor do I consider it possible in justice to draw a line of demarcation between European and Native Publications. The Bill accordingly applies to every kind of publication whatever the language in which it may be printed, or the nature of the persons who are responsible for what is put forth in it.

I cannot conceal from the Council that I have proposed this measure with extreme reluctance. It is one which no man bred in the atmosphere of English public life can propose to those who are vested with the high authority of legislating for English dominions without some feelings of compunction and hesitation. But there are times in the existence of every State in which something of the liberties and rights which it jealously cherishes and scrupulously guards in ordinary seasons, must be sacrificed for the public welfare. Such is the state of India at this moment. Such a time has come upon us. The liberty of the Press is no exception."[1]

In the meantime Lord Elphinstone, the Governor of Bombay, was also considering the situation.

"A free press," he wrote, "seems to be the natural concomitant of free institutions. It is on the other hand from its very nature antagonistic to despotic rule, and above all, to foreign domination. As Sir Thomas Munro tersely expresses it, "a free Press, and the dominion of strangers, are things which are quite incompatible, and which cannot long exist together." Our Government in this country can never be a popular Government in any sense of the term. It must be a despotism, tempered by wise and just laws impartially administered, tempered also by the education and feelings of its rulers, and by their responsibility to Parliament and to the British nation . . . No one who knows the country will be wild enough to assert that the people are fit for representative institutions and self-government . . . If then a despotic form of Government is, indeed, the only one suitable to the state of the country as well as the only one possible for us, it follows that if the unrestricted liberty of the Press is incompatible with this

[1] *History of the Law of Sedition*, by M. Donogh, pp.183–4.

form of Government, and with the continuance of our rule in this country, that it must be curtailed; the restrictions need not be many; but systematic abuse of the Government and misrepresentation of its facts, and all attempts to create ill feeling between the different classes of the community, and especially between the European officers and the native soldiery, must be prevented."

Lord Elphinstone concludes:

"Since I began this Minute, I have learnt that the Governor-General has introduced a Bill for regulating the Press, both Native and European, which has been passed by the Legislative Council. I have no doubt that this Act will meet the requirements of the case, and I only record my sentiments upon this subject, because I hardly think that at this moment, when the Governor-General has boldly taken upon himself to pass a measure which must be unpopular at home, and which will be unpalatable to many in this country, it would be honest to conceal them."[1]

The Act, which was operative for one year, was as follows:

Act No. XV of 1857.

An Act to regulate the establishment of printing presses and to restrain in certain cases the circulation of printed books and papers.

Whereas it is expedient to prohibit the keeping or using of printing presses, types or other materials for printing in any part of the territories in the possession or under the Government of the East India Company, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse; and whereas it may be deemed proper to prohibit the circulation, within the said territories, of newspapers, books or other printed papers of a particular description: It is enacted as follows:

I. No person shall keep any printing press or types, or other materials or articles for printing, without having obtained the previous sanction and license for that purpose of the Governor-General of India in Council, or of the Executive Government of the Presidency in which such printing press, types or other materials or articles for printing are intended to be kept or used, or of such other person or persons as the Governor-General of India in Council may authorise to grant such sanction or license; and any person who shall keep or use any printing press, or types, or other materials or articles for printing without having

[1] Minute dated June 24, 1857.

obtained such license shall be liable, on conviction before a magistrate, to a fine not exceeding five thousand rupees, or to imprisonment not exceeding two years or both.

II. If any person shall keep or use any printing press, or types, or other materials or articles for printing, without such sanction or license as aforesaid, any magistrate within whose jurisdiction the same may be found, may seize the same, or cause them to be seized, together with any books or printed papers found on the premises; and shall dispose of the same as the Governor-General of India in Council, or the Executive Government of any Presidency, or such other person as the Governor-General in Council shall authorise in that behalf, may direct, and it shall be lawful for any magistrate to issue a search warrant for the entry and search of any house, building or other place, in which he may have reason to believe that any such unlicensed printing press, types or other materials or articles for printing are kept or used.

III. Whenever any person or persons shall be desirous of keeping or using any printing press, or types, or other materials or articles for printing, he or they shall apply by writing to the magistrate within whose jurisdiction he proposes to keep or use such press or other such materials or articles as aforesaid, or to such other persons as the Governor-General in Council shall authorise in that behalf, may appoint for the purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such printing press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where such printing press, types or other materials or articles for printing are intended to be used, and such application shall be verified by the oath, affirmation or solemn declaration of the proprietors and persons intending to keep or use such printing press, types, or other materials or articles for printing, or such of them as the magistrate or other person to whom the application shall be made shall direct, and any person to whom the application shall be made shall direct, and any person wilfully making a false oath, affirmation or declaration, shall be deemed guilty of perjury.

IV. The magistrate shall forward a copy of such application to the Governor-General in Council, or to the Executive Government of the Presidency, or to such other person as may be authorised to grant the license; and the said Governor-General in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion, grant such license subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such printing press, types or other materials or articles for printing contrary to the conditions upon which the license may have been granted or after notice of the revocation of such license shall have been given to, or left for, him or them at the place at which the printing press shall have been established, he or they shall be subject to the same penalties as if no such license had been granted; and such printing press, types, and other materials or articles for printing may be seized and disposed of in the manner prescribed in Section II of this Act.

VI. All books and other papers printed at a press licensed under this Act shall have printed legibly thereon the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such book or printed paper shall be immediately forwarded to the magistrate or to such other person as the Government or other persons granting the license may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in the manner hereinbefore directed, unless specially exempted therefrom by the Governor-General in Council, or other person granting the license, shall be liable on conviction, before a magistrate, to a fine not exceeding one thousand rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

VII. The Governor-General of India in Council, or the Executive Government of any Presidency may, by order to be published in the Government *Gazette*, prohibit the publication or circulation, within the said territories, or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper of any particular description, whether printed within the said territories or not; and whoever, after such prohibition, shall knowingly import, publish or circulate, or cause to be imported, published or circulated any such book or paper, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding five thousand rupees, or to imprisonment not exceeding two years or to both; and every such book or paper shall be seized and forfeited.

VIII. The word "printing" shall include lithographing. The word "magistrate" shall include a person exercising the powers of a magistrate, and also a Justice of the Peace; and every person hereby made punishable by a Justice of the Peace may be punishable upon summary conviction.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI of 1835.

X. No persons shall be prosecuted for any offence against the provision of this Act, within fourteen days after the passing of the Act, without an order of the Governor-General in Council, or the Executive Government of the Presidency in which the offence shall be committed, or the person authorised under the provisions of this Act to grant licenses.

XI. This Act shall continue in force for one year.

The conditions under which licenses were to be granted, and by whom, are contained in the following Notification:

Fort William,
Home Department,
18th June, 1857.

With reference to the provisions of Act No. XV of 1857, it is hereby notified that application for licenses to keep or use any printing press, or types, or other materials or articles for printing within the town of Calcutta, are to be made to the Commissioner of Police.

The Lieutenant Governor of Bengal is authorised to grant licenses under the said Act, and to appoint any person or persons to receive applications for such licenses in any part of the lower provinces of the Presidency of Bengal except the town of Calcutta.

The Lieutenant Governor of the North-Western Provinces is authorised to grant licenses under the said Act, and to appoint any person or persons to receive such applications in any part of the North-Western provinces of the Presidency of Bengal.

The Governor of the Straits Settlements, the Chief Commissioners of the Punjab and Oude, and the Commissioners of Mysore, Coorg, Nagpore, Pegu and the Tenasserim and Martaban provinces, are authorised severally to appoint any person or persons to receive such applications within the provinces, districts and settlements under their control.

The conditions upon which licenses to keep or use any printing press or types, or other materials or articles for printing will ordinarily be granted, are as follows:

1. That no book, newspaper, pamphlet, or other work printed at such press, or with such materials or articles, shall contain any observations or statements impugning the motives or designs of the British Government, either in England or India, or in any way tending to bring the said Government into hatred and contempt, to excite disaffection or unlawful resistance to its orders, or to weaken its lawful authority, or the lawful authority of its civil or military servants.

2. That no such book, pamphlet, newspaper or other work, shall contain observations having a tendency to weaken the friendship towards the British Government of native princes, chiefs, or states, in dependence upon or alliance with it.

The above conditions apply equally to original matter, and to matter copied from other publications.

A copy of every book, pamphlet, newspaper, or other work published in the town of Calcutta, is to be immediately forwarded to the Commissioner of Police.

By order of the Right Hon. the Governor-General in Council.

Cecil Beadon,
Secretary to the Government of India.

It will be noted that this Act re-enacted, with slight modifications, the provisions of the Adam Regulations of 1823, for the whole of India. In addition, the provisions of the Metcalfe Statute were also retained. Therefore, the new Act restored the system of licenses in addition to the existing registration procedure.

Under the terms of this Act, the *Bengal Hurkaru* was suspended from the 19th to the 24th September and a fresh license was only granted when the offending editor (Sidney Laman Blanchard, who was later to practice his profession in Allahabad, London, Bombay and Lahore) tendered his resignation. A number of Indian editors were prosecuted for publishing articles deemed seditious and they were committed for trial; notably the printers and publishers of *Doorbeen*, *Sultan-ul-Akhbar* and *Sumachar Soodhaburshan*. The manuscript press, which was more inflammatory and more widely distributed, was not accessible to the authorities, though the Press Act did have a restrictive effect.

Mention should be made of the part played by the *Friend of India* and the *Bombay Times* during these tragic days. On June 25, 1857, Henry Mead, the editor of the former journal, published an article, entitled "The Centenary of Plassey", in which he justified the hundred years of British rule by asserting that India's previous rulers had been objectionable on various grounds. The Viceroy deemed this article most dangerous at such a crisis and he protested to the Bengal Government against its publication. The local Government thereupon warned the *Friend of India* that its license would be revoked if it again published so provocative an article. In reply, the editor wrote an ironical leading article, entitled "The First Warning", which he began with the words: "Lord Canning has done us the honour to select the *Friend of India* as the subject of his first experiment under the Gagging Act." Then, referring

to the Governor-General's erstwhile popularity, Mead said that to-day there are not half a dozen Europeans "who would lift up their hands in his favour." These were strong words, considering the condition of the country, and the Governor-General was about to revoke the paper's license when an assurance was received on behalf of the absent proprietor that the offence would not be repeated.

A few months later, Dr. George Buist, who for some twenty years had been the editor of the *Bombay Times*, acquired similar unenviable notoriety. He had returned from leave in England to join in the fray and his cry was "blood for blood." Since the shareholders of his paper were mostly Indians, it was natural that his attitude was bitterly resented. On December 23, 1857, a meeting of the shareholders of the *Bombay Times* was held, at the instance of Mr. Nowrojee Furdoonjee, to consider the policy which should be followed by the paper at such a critical time. Mr. Furdoonjee declared that a journalist whose aim and object ought to be the promotion of the welfare and happiness of the great mass of the people of the country, ought to be the last person to cast unfounded and sweeping imputations on their character; or to accuse the whole population of treachery and cruelties committed by a particular class or section of it, or to call the whole population "ferocious tigers, treacherous barbarians and cruel savages." On the motion of Mr. Furdoonjee, it was resolved "that the proprietors of the *Bombay Times* newspaper are of opinion that the recent articles therein published by the present editor, Dr. Buist, regarding the character and conduct of the natives of India in general, and the opinions and sentiments which the editor has therein expressed on the subject of the policy which should be adopted by Government towards the natives generally, and the treatment of which they are deserving at the hands of Government and of Europeans, are illiberal, impolitic and unjust and tend to alienate the native chiefs and Her Majesty's subjects from the British Government, and to excite discontent and disaffection throughout British India, and are, therefore, in violation of Act No. XV of 1857. The proprietors, therefore, distinctly direct that Dr. Buist forthwith desist from the course which he is pursuing and entirely change the tone and tenor of his editorial writings in these respects, to bring them into accordance with the general views and feelings of the proprietors as above expressed. And further that he be called upon at this meeting to pledge himself in distinct terms so to do."

Dr. Buist was requested by the chairman of the meeting to give the required pledge but he refused to do so. As a result, the meeting further resolved "that Dr. Buist having declined to pledge himself to follow the directions contained in the foregoing resolution, and the meeting having reason to believe that he intends to continue the course which he has hitherto pursued, which is contrary to his engagement with the proprietors, in opposition to their views, and detrimental to the interests of the country at large, determines that Dr. Buist be forthwith dismissed from the situation of editor of the *Bombay Times*, and that the committee of directors be authorised to secure the services of another gentleman to fill the post."

There are many testimonies to Dr. Buist's brilliant attainments as a scholar but he lacked the prime quality for an editor; the ability to arrive at calm, dispassionate judgments in the face of strain and hysteria. His partisanship for Outram against Sir Charles Napier at the time of the occupation of Sind in 1843 was expressed in violent language, much to the chagrin of the conqueror of the province.[1] He was succeeded as editor of the *Bombay Times* by Robert Knight, and shortly afterwards became the editor of a new journal, the *Bombay Standard*, subscribed for by the Scotsmen of Bombay.

John Connon, the editor and proprietor of the *Bombay Gazette*, expressed his disapproval of the new Press Act in the form of a Memorial to the Honourable the Court of Directors. He declares that the existing law was sufficient for all reasonable purposes and points out a fact applicable to all censorships—that "they must be presumed to approve all that is printed which they have not checked." The Court of Directors replied by saying that they had already communicated their approval of Act No. XV of 1857 to the Government of India.

To the vehemence of the newspapers against him personally, the calm and independent Governor-General preserved a stoic indifference. As he wrote in a letter to Lord Granville: "I don't care two straws for the abuse of the papers, British or Indian. I am for ever wondering at myself for not doing so, but it really is the fact. Partly from want of time to care, partly because with an enormous task before me, all other cares look small."[2]

In the meantime, the *Bombay Samachar*, the *Jam-e-Jamshed*

[1] See *Life and Opinions of General Sir Charles Napier*, by Sir William Napier, Vol. II, pp. 370–1.

[2] *British Government in India*, by Lord Curzon, Vol. II, p. 226.

and the *Rast Goftar* vigorously defended the character of Indians against its detractors and the last-named paper began, for this purpose, to publish certain columns in English.

When the revolt had been suppressed, the Crown took over the Government of India from the East India Company and, on November 1, 1858, Queen Victoria's Proclamation announced the transfer.

That the dual system of control (the Court of Directors representing the East India Company and the Board of Control representing the Government) was unwieldy and often led to gross injustice there was little doubt. Therefore, the new Act, "For the Better Government of India", was hailed as a timely and logical sequel to the past. The principle already laid down in the Charter Act of 1833 was reinforced and all Queen Victoria's subjects, of whatever race or creed, were to be admitted as far as possible to offices for which they might be qualified. As the Proclamation ran: "In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward."

Lord Canning, in an attempt to bring about closer relations with the press, had established an "Editor's Room," where State papers of general interest could be examined by journalists. He also caused documents of similar interest to be printed at the end of the *Gazette*. But according to the Rt. Hon. James Wilson, the financier who had been sent to reorganise the chaotic finances of the Indian Empire, these measures were not sufficient and the proposal for a Government newspaper was mooted once more. Yet again the project came to nothing.

The time had now come (1860) for a re-examination of the Indian Penal Code which had been originally drawn up by Lord Macaulay and his colleagues of the Indian Law Commission of 1837. Macaulay had drafted a Sedition Section (Section 113) but Lord Canning suggested that it should be omitted from the Code as it might be construed as an attack on the liberty of the press. This Section had given considerable difficulty ever since it had been framed and several lawyers had attempted to revise it to make its definitions precise. Each attempt seemed to be no improvement on the last and when, eventually, Sir Barnes Peacock, the Chief Justice of the Supreme Court of Calcutta, passed the Indian Penal Code as Act XLV of 1860, the Sedition Section was omitted.

Let us now turn to the condition of the press in Indian languages. Throughout these critical times the integrity of the Indian character had been ably defended by the Gujerati press of

Bombay conducted, as we have seen, in the main by Parsees. Though it was printed in English, mention should also be made of the *Hindu Patriot* which was edited with such distinction by Harrish Chandra Mookerjee. Throughout the mutiny he kept a balance which was remarkable in an atmosphere of frantic prejudice. It was felt, however, that Calcutta needed a strong Bengalee newspaper and when the revolt was over Pandit Ishwar Chandra Vidyasagar and Dwarika Nath Vidyabhushan of the Calcutta Sanskrit College started the *Shome Prakash.* Its object was avowedly political and its tone superior to its contemporaries. Both the *Hindu Patriot* and the *Shome Prakash* were active during the indigo disturbances of 1860, to the great advantage of the just case of the Bengal peasants.

The most detailed account of the Urdu press of the period is to be found in the published lectures of Professor Garcin de Tassy who for several decades delivered addresses on the Hindustani literature of the year.[1] This keen student of Urdu literature and the press describes how many journals disappeared in May, 1857, with the beginning of the insurrection.[2] The discourses are somewhat rambling but they comprise a valuable contemporary summary of the development of Urdu literature.

It is of interest that the majority of Urdu organs of the North were, at this time, edited by Hindus. Prior to the insurrection their principal topics of discussion were religious and social observances, the various Acts and notifications of the Government, the niceties of the Urdu language and items of news of general interest from other parts of the country. Government officers lived in perpetual fear that the rebellion might at any time break out again. Numerous stories were current of the extraordinary organisation of the May attempt and how the news had been passed from mouth to mouth, through the medium of songs and catch-phrases. And the Indian Press, as a possible channel of access to the public, was, of course, suspected. The Government had established a strict censorship through their District Officers and at Peshawar an editor was imprisoned and presses were also stopped at Sialkot and Multan. One result of the censorship was that the papers concentrated more on general news, mostly culled from journals published in different parts of India.[3]

[1] See *La Langue et la Litterature Hindoustanies* (1850–1877). (Librairie Orientale de Maisonneuve et Cie. Paris).

[2] p. 139.

[3] See *Urdu Journalism in the Panjab,* by Dr. Bool Chand, Journal of the Panjab University Historical Society, pp. 29–42.

About this time a further constitutional advance took place in the passage of the India Councils Act of 1861. This measure marks an important step in that Indians of distinction were to be associated for the first time with the Government for legislative purposes. The Act augmented the Governor-General's Council and the Councils of Madras and Bombay by adding European and Indian non-official members. On the advice of Lord Canning (who was the first Governor-General to be known by the title of Viceroy), Section 8 of this Act was drawn up authorising the Governor-General "to make rules and orders for the more convenient transaction of business." As a result, Lord Canning divided the various Departments of Government between his Councillors, assigning a member to each Department. Thus was laid in India the foundation of the Cabinet system as it is known in England whereby each Ministry has an official head and spokesman in the Government. The powers of the Indian non-officials who were associated with the Councils were, it should be noted, merely advisory but they were a prelude to a closer association as time went on.

Public opinion was stirred by the reforms. New papers were founded in the following two decades and many of them exist to-day, *The Times of India* of Bombay, *The Pioneer*, then at Allahabad, the *Madras Mail*, the first evening paper in India, *The Statesman* of Calcutta, *The Civil and Military Gazette* of Lahore, and *The Hindu* of Madras.

We have already seen how the *Bombay Times* and *Journal* grew out of the *Bombay Courier*. In 1842 compositors and pressmen had been brought from England and in a few years the whole system of typography in Bombay had become revolutionised. In 1850 the paper had passed into the hands of a group of European and Indian shareholders and then became known as the *Bombay Times* which was issued daily. One of the most distinguished of the paper's editors and a force in Indian journalism was Robert Knight, who, as has been noted, assumed editorship in 1858.

The Urdu press likewise flourished. "*Dans les provinces nord-ouest, les journaux hindoustanis, tant en urdu qu'en hindi, reprennent peu a peu le nombre et l'importance qu'ils avaient avant* 1857," declares Professor Garcin de Tassy.[1] He adds that at the beginning of 1861 there were seventeen such newspapers, eleven in Urdu and six in Hindi, eight published at Agra, two at Ajmir, two at

[1] *La Langue et la Litterature Hindoustanies* (1861), p. 172.

Etawah and one each at Loudiana, Mirath, Jaunpur, Saharanpur, Allahabad and Cawnpore. An account is given of these journals in the work quoted as well as a review of the printing presses in the North-Western Provinces drawn up by the then Director of Public Instruction, Mr. Stewart Reid.

Professor Garcin de Tassy took the view that the general loyalty of the press in Indian languages was a valuable testimony in its favour since the majority of the newspapers belonged to the North-Western Provinces and Oudh where recollections of Moghul supremacy were still very fresh. Students of the press of this period will find his papers of considerable interest.

Lord Elgin, who succeeded Lord Canning as Viceroy in 1862, did not interfere with the press. His foreboding when he accepted the office of Viceroy that he would never again see his native land proved to be true and he died at Dharamsala some twenty months after assuming the Viceroyalty.

Sir Robert Napier then officiated and he was followed by Sir William Denison who retained the office until Sir John Lawrence was able to take over in 1864. Once again, the question of a Government newspaper was revived since Sir John Lawrence, grave and conscientious, had deeply resented some attacks on the part of certain Indian newspapers.[1] The same old arguments, both for and against, were once more propounded—with the same result; that it was wiser to allow the soundness of the Government's measures to speak for themselves rather than to indulge in special pleading which could only redound to the discredit of the authorities. Moreover, the Government had underestimated the probable cost and when it was realised that this would be prohibitive if the proposed journal were to have any standing, the proposition collapsed.

In 1867 Metcalfe's Act for the liberation of the Indian Press (Act No. XI of 1835) was repealed by Act. No. XXV of 1867. This was an Act for the Regulation of Printing Presses and Newspapers, for the Preservation of copies of books printed in British India, and for the Registration of such books. This Act (in Part II of which all the sections of Metcalfe's Act dealing with printing presses and newspapers have been incorporated) is still in force.

The full text of the Press and Registration of Books Act (as eventually amended by Act X of 1890 and by Acts III and X of 1914) was as follows:

[1] See *Life of Lord Lawrence*, by R. Bosworth Smith, Vol. II, pp. 402-3.

An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.

WHEREAS it is expedient to provide for the regulation of printing presses and of periodicals containing news, for the preservation of copies of every book printed or lithographed in British India, and for the registration of such books; It is hereby enacted as follows:

PART I.

PRELIMINARY.

1. In this Act, unless there shall be something repugnant in the subject or context,—"book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed: "British India" means the territories which are or shall be vested in Her Majesty or Her successors by the Statute 21 & 22 Vict., cap. 106 (*An Act for the better government of India*): "Magistrate" means any person exercising the full powers of a Magistrate, and includes a Magistrate of Police. And in every part of British India to which this Act shall extend, "Local Government" shall mean the person authorised by law to administer executive government in such part, and includes a Chief Commissioner.
2. (*Repeal of XI of* 1835). *Rep. Act XIV of* 1870.

PART II.

OF PRINTING-PRESSES AND NEWSPAPERS.

3. Every book or paper printed within British India shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) the name of the publisher and the place of publication.
4. No person shall, within British India, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate within whose local jurisdiction such press may be:

   "I, A.B., declare that I have a press for printing at———."

   And this last blank shall be filled up with a true and precise description of the place where such press may be situate.
5. No printed periodical work, containing public news or comments on public news, shall be published in British India, except in conformity with the rules hereinafter laid down: (1) The printer and the publisher of every such periodical work shall appear before the Magistrate within whose local jurisdiction such work shall be published, and shall make and subscribe, in duplicate, the following declaration:

"I, A.B., declare that I am the printer (*or* publisher, *or* printer and publisher) of the periodical work entitled— and printed (*or* published *or* printed and published, *as the case may be*) at ———."

And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted:

(2) As often as the place of printing or publication is changed, a new declaration shall be necessary:

(3) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave British India, a new declaration from a printer or publisher resident within the said territories shall be necessary.

6. Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made.

One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the High Court of Judicature, or other principal Civil Court of original jurisdiction for the place where the said declaration shall have been made. The officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.

7. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the declaration.

8. Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration:

"I, A.B., declare that I have ceased to be the printer (*or*

publisher, *or* printer and publisher) of the periodical work entitled ———."

Each original of the latter declaration shall be authenticated by signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration.

The officer in charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying, a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees.

In all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

PART III.

DELIVERY OF BOOKS.

9. Printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the Local Government shall, by notification in the official *Gazette*, from time to time direct, and free of expense to the Government, as follows, that is to say:

(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and,

(*b*) if within one calendar year from such day the Local Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the Local Government on the printer, another such copy, or two other such copies, as the Local Government may direct,

the copies so delivered being bound, sewed or stitched together

and upon the best paper on which any copies of the book shall be printed or lithographed.

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to:

(i) any second or subsequent edition of a book in which edition no additions or alterations either in the letterpress or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or

(ii) any periodical work published in conformity with the rules laid down in section 5 of this Act.

10. The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

11. The copy delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act shall be disposed of as the Local Government shall from time to time determine. Any copy or copies delivered pursuant to clause (*b*) of the said paragraph shall be transmitted to the British Museum or the Secretary of State for India, or to the British Museum and the said Secretary of State, as the case may be.

PART IV.

Penalties.

12. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

13. Whoever shall keep in his possession any such press as aforesaid, without making such a declaration as is required by section 4 of this Act, shall, on conviction before a Magistrate be punished by fine not exceeding five thousand rupees, or by simple imprisonment for a term not exceeding two years, or by both.

14. Any person who shall, in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall on conviction before a Magistrate, be punished by fine not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

15. Whoever shall print or publish any such periodical work as is hereinbefore described without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction before a Magistrate, be punished with fine not exceeding five thousand rupees, or imprisonment for a term not exceeding two years, or both.

16. If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.

17. Any sum forfeited to the Government under the last foregoing section may be recovered, under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the Code of Criminal Procedure for the time being in force, and within the period prescribed by the Indian Penal Code, for the levy of a fine.

All fines or forfeitures under this Part of this Act shall, when recovered, be disposed of as the Local Government shall from time to time direct.

PART V.

Registration of Books.

18. There shall be kept at such office, and by such officer as the

Local Government shall appoint in this behalf, a book to be called a Catalogue of Books printed in British India, wherein shall be registered a memorandum of every book which shall have been delivered (pursuant to clause (*a*) of the first paragraph of section 9 of this Act). Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say):

(1) the title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language:
(2) the language in which the book is written:
(3) the name of the author, translator or editor of the book or any part thereof:
(4) the subject:
(5) the place of printing and the place of publication:
(6) the name or firm of the printer and the name or firm of the publisher:
(7) the date of issue from the press or of the publication:
(8) the number of sheets, leaves or pages:
(9) the size:
(10) the first, second or other number of the edition:
(11) the number of copies of which the edition consists:
(12) whether the book is printed or lithographed:
(13) the price at which the book is sold to the public: and
(14) the name and residence of the proprietor of the copyright or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copy thereof pursuant to clause (*a*) of the first paragraph of section 9.

19. The memoranda registered during each quarter in the said Catalogue shall be published in the local *Gazette* as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent to the said Secretary of State, and to the Government of India, respectively.

PART VI.

MISCELLANEOUS.

20. The Local Government shall have power to make such rules as may be necessary or desirable for carrying out the objects of this Act and from time to time to repeal, alter and add to such rules. All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local *Gazette*.

21. The Governor-General of India in Council may, by notification in the *Gazette* of India, exclude any class of books from

the operation of the whole or any part or parts of this Act.

22. (Continuance of parts of Act). Rep. Act X of 1890 s. 7.

23. (Commencement) Rep. Act XIV of 1870.

During Sir John Lawrence's term of office one of the most famous of the Anglo-Indian papers was established—the *Pioneer* of Allahabad. Founded in 1865, this journal soon acquired a reputation for being "the first with the news." This was the result of contacts which were made with junior members of the Secretariat and which led, many years later, to the foundation of the *Associated Press of India.*

Before Lord Mayo, Lord Lawrence's successor, left England he discussed with Sir Stafford Northcote, the Secretary of State for India, the possibility of the establishment of an official newspaper since the administration was feeling the necessity of coping with irresponsible criticism.

One step which was eventually taken as the result of these discussions was an Act to amend the Indian Penal Code. Lord Mayo asked that great jurist, Sir James Fitzjames Stephen, to draft a Bill to amend the Indian Penal Code to cover seditious writings and speeches since, as we have seen, Macaulay's draft of section 113 had not been incorporated in the Code. The difficulties of Government, arising from the Wahabi conspiracy of 1869–70, convinced the administration that a new measure to cover seditious writing and speeches had become imperative. In consequence, Sir James Fitzjames Stephen's Bill was passed into law as Act XXVII of 1870, an Act to amend the Indian Penal Code, section 5 of which, relating to sedition, was as follows:

> "Whoever by words, either spoken or intended to be read, or by signs, or by visible representation or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine."

At a later date this section was incorporated in the Indian Penal Code as section 124A.

At this period we enter into the era of modern journalism, influenced, as it was, by the many technical advances which were then taking place.

Telegrams received by Reuter in London, from various European correspondents, were sent to the *Bombay Times* by mail during the first half of 1860 but they did not appear in 1861.

Subsequently, when direct telegraphic communication was established between India and Britain, important news was sent by wire. On September 28, 1861, the *Bombay Times*, which had incorporated the *Bombay Standard*, the *Telegraph and Courier*, became known as the *Times of India*. Among the reasons for this change given by Mr. Knight was

> "the fact that Bombay is already the capital city of India, although not as yet the seat of the Supreme Government. It is to the Bombay Press that the home public look for intelligence from all parts of India, and upon it must the Indian public look for intelligence from all parts of India, and upon it must the Indian public wait at no distant period for the news of the world. The point of arrival and departure of all mails; the centre of the great interest that binds the two countries together: Imperial in its resources, whether for commerce or for war; and the natural emporium and capital of Asia—there is a future before Bombay that the most sanguine cannot adequately forecast. While the city is Imperial, its Press hitherto has been, in title, only provincial, and in announcing ourselves as *The Times of India* we are simply endeavouring to keep up with the march of events."

Although Knight had proudly put forward the claims of Bombay as the leading city of India, he was subsequently to continue his career and add to his fame in Calcutta. In 1864 he went on leave to England, which country he had not seen for sixteen years, and he was presented with a purse of nearly a lakh of rupees which was subscribed by the Bombay public to express their appreciation of his work.

In 1868, after his return to Bombay, differences arose between him and his partner in the *Times of India*, Mr. Mathias Mull. As a result, Knight agreed to sell his share in the property and he eventually left for Calcutta.

Bengalee journalism was now making rapid strides. There already existed two papers devoted to rural matters (the *Shome Prakash* and the *Hindu Patriot*) and they were followed by the *Grambarta Prakashika* which was launched in April, 1863, by Harinath Mozumdar.

Five years later (in March, 1868) the now well known *Amrita Bazar Patrika* made its appearance as a Bengalee weekly. Three brothers, Hemantakumar, Sisirkumar and Motilal Ghose, purchased a wooden printing press costing about Rs. 32 and established a printing workshop in the village of Amrita Bazar with the help of the village carpenter. They had learned the art of

printing at Calcutta and were able to do all the press work themselves. The Press was called the *Amrita Prabahini Press* and each issue of the *Patrika* contained eight pages, some in Bengalee, the others in English. Many prominent men of the day, such as Srijut Ananda Bose, connected themselves with the paper by contributing editorials and news, and by securing subscribers.

In 1871 a flood and an epidemic of malaria made it very difficult to conduct the paper from the village and financial considerations compelled the proprietors to sell their press. The brothers thereupon went to Calcutta and bought a hand press. With indefatigable energy and enterprise, they brought out the first issue of the *Patrika* from the capital on April 22, 1874. The descendants of the original founders conduct the paper to-day. It has always taken a strong line in nationalist matters and its circulation has grown with the development of the popular movement for self-government.

In 1870 the great Brahmo Samajist preacher, Keshub Chunder Sen, launched the *Sulava Samachar* as the organ of the Indian Reform Association. The paper was published weekly at one pice (farthing) per issue and was, therefore, the first attempt to reach those who were poor but literate. It achieved great success and its circulation was between three and four thousand weekly, the first of the newspaper "records."

Another noteworthy publication was the *Halishahar Patrika* which was edited by Babu Kisari Mohun Ganguli who translated the Mahabharata into English.

Lord Mayo was assassinated in the Andaman Islands and after brief periods when Sir John Strachey and Lord Napier officiated, Lord Northbrook became Governor-General in 1872. The question of the relations between the Government and the press became important during his Viceroyalty as a result of the famine in Bihar in October, 1873. Sir George Campbell, the Lieutenant-Governor of Bengal, was in favour of the prohibition of the export of grain during the famine. And he was supported in this view by Robert Knight. The latter had arrived in Calcutta in 1872 and started the monthly *Indian Economist*. His ability led the Bengal Government to appoint him as an Assistant Secretary in the Department of Agriculture. In this capacity it was his duty to edit the official periodical called the *Agricultural Gazette of India*. Lord Northbrook disagreed with the Bengal Governor and Knight immediately attacked the Viceroy's famine policy. His paper was, of course, subsidised by the Government and both Lord Northbrook and his Finance Member, Sir Richard Temple, were

infuriated, and the subsidy to the paper was reduced by one-half and eventually withdrawn. The episode again opened the question of the relation of Government servants with the press.

In the meantime, in 1873, Sir George Campbell had ordered an enquiry into the state of the Indian-owned press of Bengal and the result showed the following thirty-eight papers to be in existence:

1.	Pallibari Darshan . . .	Chatmohar.
2.	Tamluk Patrika . . .	Calcutta.
3.	Grambashi	Ranaghat.
4.	Mahapap Balya Bibaha . .	Dacca.
5.	Gram Dut	Ponabalia, Barisal.
6.	Abala Bandhub . . .	Calcutta.
7.	Chus-me-Alem (Persian) . .	Patna.
8.	Akhbar-ul-Akbiar . . .	Mozufferpur, Behar.
9.	Assam Mihir . . .	Gauhati, Assam.
10.	Murshidabad Patrika . .	Berhampur.
11.	Bala Ranjika	Gopalpore, Barisal.
12.	Saptahib Paridarshak . .	Calcutta.
13.	Sahachar	Calcutta.
14.	Hitasadhidini . . .	Barisal.
15.	Gyan Bikashini . . .	Chatmohar.
16.	Bishwa Dut	Kalighat, Calcutta.
17.	Sulava Samachar . . .	Calcutta.
18.	Hindu Ranjika . . .	Rampur Boalia, Rajshahye.
19.	Barisal Bartabaha . . .	Barisal.
20.	Amrita Bazar Patrika . .	Calcutta.
21.	Rangpur Dik Prakash . .	Kakinia Rangpur.
22.	Education Gazette . . .	Hooghly.
23.	Jam-Jehan-Nama . . .	Calcutta.
24.	Bharat Sanskarak . . .	Calcutta.
25.	Saptahik Sangbad . . .	Bhowanipur, Calcutta.
26.	Halishahar Patrika . . .	Calcutta.
27.	Banga Bandhu . . .	Dacca.
28.	Saptahik Samachar . . .	Calcutta.
29.	Urdu Guide	Calcutta.
30.	Bahu Darshan . . .	Calcutta.
31.	Grambarta Prakashika . .	Commerkhally, Nadia.
32.	Dacca Prakash . . .	Dacca.
33.	Shome Prakash . . .	Changripota, 24 Parganas.
34.	Bharat Bhritya . . .	Calcutta.
35.	Doorbeen	Calcutta.
36.	Samachar Chandrika . .	Calcutta.
37.	Sangbad Pravakar . . .	Calcutta.
38.	Sangbad Purnochandra Daya .	Calcutta.

Sir George Campbell was quite definite in his views on the liberty of the press. "My own opinion has always been that an entirely free press is inconsistent with a despotic form of Government even if it be a paternal despotism. In such circumstances press writers are always inclined to be "agin the government" and there is no opposing press to answer them. No doubt criticism is useful in bringing abuses to light, and press fulminations may be a sort of safety valve; but a government, whose position largely depends on the sort of moral force due to a belief in its unassailable power, can hardly afford to be constantly held up to the contempt of its subjects." At the same time, Sir George Campbell was clear that the cure was worse than the disease if a libel on the Government could not be punished without a protracted trial which gave the matter "all the notoriety that the most ambitious libeller could desire."[1]

As a result of the controversy between the Viceroy and Robert Knight, the following Home Department Notification appeared in the *Gazette of India* on July 8, 1875, with the approval of Lord Northbrook.

> Questions having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor-General in Council thinks it desirable that the existing orders on the subject should be clearly understood.
>
> 1. No officer in the service of Government is permitted without the previous sanction, in writing, of the Government under which he immediately serves to become proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such for instance as art, science or literature. The sanction will be withdrawn at the discretion of the Government.
>
> 2. Officers in the service of Government are not prohibited from contributing to the public Press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity.
>
> 3. The Government of India will decide, in case of doubt, whether any engagements of officers with the Press are consistent with the discharge of their duties to the Government.

[1] *Memoirs of My Indian Career*, by Sir George Campbell.

4. Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the army.

Knight had anticipated this decision and had resigned from Government service in June, 1875. The *Indian Economist* had already been discontinued after the Government had bought the copyright from Knight. We have seen in a previous chapter how the *Friend of India* was founded by Carey, Marshman and Ward at Serampore in 1818 and how it began as a monthly and eventually became a weekly publication, gaining considerable notoriety during the Mutiny. Knight now (April, 1875) bought this journal for Rs. 30,000 and transferred it to Calcutta.

In the same year, Knight founded the *Statesman* and for some years this paper and the *Friend of India* were published independently. When eventually they were merged, both titles were retained and for several decades the paper was known as the *Statesman and the Friend of India*. Knight started his new paper with the assistance of twenty-four merchants who took shares in the venture. The customary price of a newspaper in those days was four annas and the two existing Anglo-Indian newspapers in Calcutta (the *Indian Daily News* and the *Englishman*) were disagreeably surprised when their rival was sold for one anna. One paper ignored the publication of the newcomer altogether while the other declared that Knight should be arrested in connection with an article relating to the trial of the Gaekwar of Baroda. But Knight was an outstanding journalist, and having been conspicuous in Bombay, was now to exert considerable influence in Calcutta government and press circles.

When Lord Lytton became Viceroy in 1876 he found that the relations between the Government and the press were very unsatisfactory. He therefore asked his Private Secretary, Sir Owen Burne, to get into touch with Robert Knight and ascertain his suggestions for an improvement. To Sir Owen Burne's queries, Knight made the following reply on June 7, 1876:[1]

> "If the Government shows no sympathy, is jealous of all appearance of consulting it, excludes it from all information upon subjects of current interest, shows no deference to public wishes, however reasonable, looks upon the Press as factious and inspired by no real desire for the public good and gives neither the support nor the encouragement it might reasonably expect—then the want of representative institutions becomes unendurable,

[1] See article by S. C. Sanial in *The Calcutta Review*, Vol. CXXVII, Oct. 1908.

and the whole Press glides insensibly into an attitude of hostility to the Government. . . .

At present there is not the slightest sympathy with the Press, nor the least disposition to assist it. Instead of any desire being evinced to conciliate its sympathies, it is made to feel that it is a matter of indifference to the Government whether it sinks or swims . . . The Government practically treats the Press as though it were Bohemian, and in all passive ways, ignores and discourages it. The attitude is felt sensibly and calls forth a corresponding one on the other side . . . It seems to me most desirable that the Government should possess some means by which it might communicate to the Press as far as may be prudent and possible to do so, the course of its proceedings, the information it is receiving, the views with which it is regarded, the purposes and desires of the Government and the special difficulties that embarrass its course."

Knight went on to suggest that there should be a special Press Bureau in the Government, the duty of whose director should be to acquaint himself with the writings of every journal in the country. Moreover, the press should be invited to communicate freely with such an officer on all questions concerning which they might desire information. By a wise attitude towards the press, Knight believed that the Government might improve its character infinitely and settle its loyalty. In a sentence:

"The Government should abandon its attitude of total indifference to the Press and should frankly recognise in it an opposition with which courteous and friendly relations were to be maintained; and in all reasonable and proper ways it should be recognised, honoured and assisted."

Lord Lytton also considered the possibility of enacting fresh legislation to deal with the growing press criticism. On the proposal that the Irish Coercion Act of 1870 might form a basis for a new law, there is a long and interesting Minute by the Legislative Member, Mr. Arthur Hobhouse (later Lord Hobhouse). He sums up the whole problem of the liberty of the press in the following paragraphs.[1]

"19. I do not go into the argument about a free press and the peculiarity of our position in this country, with which everyone is familiar. But I may say here, that those who object to such an amount of free speech as our law allows in newspapers because of the autocratic nature of our Government are really, though

[1] 10 August, 1876.

perhaps unconsciously, raising a still deeper and wider question, viz.: whether it is right to promote the education of the natives.

20. Neither knowledge nor freedom of speech can be acquired without some unpleasant excesses. We have chosen the generous, I think the wise, policy of encouraging both, and we ought not to be frightened because some of the symptoms appear. People who increase their knowledge are sure to be discontented unless their power increases too, and will probably be impatient to acquire that power; and people who have newly acquired freedom of speech are likely at times to use their tongues without discretion. All that we must take as the drawback necessarily attendant on the benefit of having a more intelligent and less reticent people in India."

The press in Indian languages was growing rapidly. At this time there were about sixty-two such papers in the Bombay Presidency, Marathi, Gujerati, Hindustani and Persian; about sixty in the North-West Provinces, Oudh and the Central Provinces; some twenty-eight in Bengal; about nineteen in Madras, Tamil, Telegu, Malayalam and Hindustani. Their circulations were, of a necessity, restricted but they were nevertheless expanding. It was computed about this time that there were probably 100,000 readers of such papers and that the highest circulation of any one paper was in the neighbourhood of 3,000.[1]

In his survey of the contemporary Indian Press Sir George Birdwood[2] takes the view that, political and social backgrounds considered, it is commendably loyal. To the critics who complain that there is too much of criticism, he makes the telling rejoinder that "The best English literature is the literature of discontent, and opposition, and attack. Content, indeed, seldom finds expression in any literature but that of the national age of faith, and against attack the surest defence of power is also silence. It therefore happens that the native students of our Indian schools and colleges have been nurtured in the strength and spirit of the masterful English literature of the last century."

During Lord Lytton's opening year of office, 1876, the *Civil and Military Gazette* was first published from Lahore. This paper had been established in Simla in 1872 as a weekly periodical and four years later its proprietors acquired *The Mofussilite* of Agra (which had first been issued in 1845); the joint publication was then issued as a daily from Lahore.

It is of interest to note that the issue of *The Mofussilite* of

[1] *The Native Press of India*, by Dr. (afterwards Sir) George Birdwood, C.S.I. (Paper read before the Society of Arts, March 23, 1877).
[2] ibid.

December 28, 1872 (the paper was then being published from Amballa) contained the following quotation at the head of its editorial column:

> "Let it be impressed upon your minds; let it be instilled into your children, that the liberty of the press is the palladium of civil, political and religious rights of the Englishman."

Originally, the *Civil and Military Gazette* was intended to cater for the services. On February 1, 1873, when the paper changed hands, its purpose was stated as follows:

> "The object of the *Civil and Military Gazette* is to make the *Civil and Military Gazette* a faithful and conscientious advocate of the true interests of the services, civil and military, in India, watching all that affects those interests for good or evil. It is hoped that it will find many readers and supporters in the ranks of that Civil Service which, whether its members be designated covenanted or uncovenanted, has done so much to build up the glory of the Indian Empire by work and sacrifice in the times of peace and danger, also that it may gain many friends among the soldiers of the three Presidencies, taking the word soldiers in the widest and noblest meaning as embracing all ranks from that of a commander to a sentinel. The *Civil and Military Gazette* under its present management, while representing authority, will not descend to be the organ of any clique. Its columns will be open to all representations and claims which seek only a full and impartial consideration and its aims will be to represent in the best sense that honourable spirit which has made our English Fourth Estate the power it is."

On February 28, 1877 the *Civil and Military Gazette* purchased the Lahore *Indian Public Opinion* and the two papers were amalgamated. Reuter telegrams only occupied half a column of the first page in those days while Indian telegrams took only about one-eighth of a column. The rest of the Indian news was taken from the newspapers of Calcutta, Bombay and Madras.

A few days later, on March 2, 1877, was published the first edition of the new paper with the following unwieldy title, "*The Civil and Military Gazette* and *Indian Public Opinion* (in which the *Punjab Times*, *The Mofussilite* and *Lahore Chronicle* are incorporated)." According to the leading article of that day, the *Lahore Chronicle* was started soon after the annexation of the Punjab in 1846 and the promoters were among the high officials "whose object it was to strengthen what we know as patriarchal rule." This school was afterwards opposed by the younger civil

servants who launched *Indian Public Opinion* on November 16, 1866, and a sharp struggle ensued between the two organs until the collapse of the *Lahore Chronicle* which was purchased and absorbed by *Indian Public Opinion* about the end of 1867. The leading article further stated:

> "*Indian Public Opinion* in its first year had been very radical and critical of the Government's doings but on the absorption of the *Chronicle* it accepted the policy of the latter as regards the rights of the Punjab and regarded with jealous eye any interference from the Supreme Government which unduly conflicted with local wants and aspirations."

In 1882 Rudyard Kipling, who was then seventeen, was taken on to the staff of the Lahore *Civil and Military Gazette* as an apprentice. A vivid picture of his capabilities was given by the then Editor of the *Gazette*, Mr. E. K. Robinson, who described the future poet as follows:

> "The amount of 'stuff' that Kipling got through in the day was indeed wonderful; and though I had more or less satisfactory assistants after he left, and the staff grew with the paper's prosperity, I am sure that more solid work was done in that office when Kipling and I worked together than ever before or after. He was always the best of good company, bubbling over with delightful humor, which found vent in every detail of our day's work together; and the chance visitor to the editor's office must often have carried away very erroneous notions of the amount of work which was being done when he found us in the fits of laughter that usually accompanied our consultations about the make-up of the paper."[1]

Kipling left the *Gazette* in 1887 to become assistant editor of the *Pioneer*, then at Allahabad. He remained in this post for two years when the paper sent him round the world, and the vivid impressions of his travels in the United States and Japan were published in the *Pioneer*.

Another important Lahore newspaper had been established by this time. Sir Surendranath Banerjea relates how, in 1877, he met Sirdar Dayal Singh Majeetia and recalls:

> "I persuaded him to start a newspaper at Lahore. I purchased for him at Calcutta the first press for the *Tribune* newspaper and to me he entrusted the duty of selecting the first editor. I recommended the late Sitala Kanta Chatterjee of Dacca for the post, and his successful career as the first editor amply justified

[1] *McClure's Magazine*, July, 1896.

> my choice. His fearless courage, his penetrating insight into the heart of things, and above all his supreme honesty of purpose, the first and last qualification of an Indian journalist, soon placed him in the front rank of those who wielded their pen in the defence of their country's interests.
>
> The *Tribune* rapidly became a powerful organ of public opinion; it is now (1926) perhaps the most influential Indian journal in the Punjab, and is edited by a gentleman who in his early career was associated with me as a member of the staff of the *Bengalee*."[1]

On January 1, 1877, Queen Victoria was proclaimed Empress of India and in her message she declared:

> "We trust that the present occasion may tend to unite in bonds of yet closer affection ourselves and our subjects; that from the highest to the humblest all may feel that under our rule the great principles of liberty, equity and justice are secured to them; and that to promote their happiness, to add to their prosperity, and advance their welfare, are the ever present aims and objects of our Empire."

This object involved—in the words of the then Viceroy, Lord Lytton—"administrative problems unsolved by Cæsar, unsolved by Charlemagne, unsolved by Akbar."

It was the view of many Indians that these problems could be more adequately solved if they had a greater share in their examination and there began a forward movement which has never since lost momentum. The history of progressive ideas in Britain was not unknown to Indian youths who, since 1836, had been taught about the British struggles for emancipation and they drew their inspiration from these stories and also from those of an ancient Hindu culture with which Hindu reformers were endeavouring to revitalise the community. This new spirit was brightly reflected in the Indian-owned press.

For some fifteen years weekly abstracts had been prepared of the more important articles in the Indian Press and these were made available to officials in India and to the British Press. In 1875 we find Lord Salisbury, the Secretary of State for India, informing the Government of India that his attention had been drawn by writings in the *Pall Mall Gazette* and another paper "to various articles in the Native Press which are not only calculated to bring the Government into contempt, but which palliate, if they do not absolutely justify as a duty, the assassination of British Officers." Lord Northbrook's Government had replied that it

[1] *A Nation in Making*, p. 47. Mr. K. N. Roy is the editor referred to.

was not desirable in the then state of the law for the Government to prosecute (under the sedition sections, as had been suggested somewhat tentatively by the Advocate General) except in the case of systematic attempts to excite hostility against the Government.

Faced by the growing criticism of the press, Lord Lytton studied various methods of meeting the situation, including, as we have seen, the Irish Act (33 and 34 Vict. c. 9. s. 30). In the autumn of 1877 he prepared a Minute which was circulated to the members of his Council and to each local Government and Chief Commissioner. All, with the exception of Madras (where the press in Indian languages was not yet strong), concurred in the principle of taking legislative action. Consequently, a Bill was prepared and its substance was telegraphed to the Secretary of State whose permission was sought for its introduction.

For some time the Indian Press had been aware that repressive measures were under contemplation. Sir Surendranath Banerjea records how in 1877 the press was invited to the Delhi Assemblage and how he attended it as the correspondent of the *Hindu Patriot*, "then the leading Indian paper in Bengal, under the editorship of that prince of Indian journalists, Kristo Das Pal." Sir Surendranath describes the presentation of an address to the Viceroy by the newspapermen and adds:

> "In the address we made a pointed reference to the report about the coming restrictions on the Press, and we expressed the hope that the liberties so long enjoyed might be continued. The Viceroy, as might have been expected, was reticent and said nothing in reply to this part of the address. We felt that we had done our duty in communicating our hopes and fears, and for the time the matter ended there. Within less than fifteen months, the Vernacular Press all over India, save that of Madras, was muzzled." [1]

The Vernacular Press Act IX of 1878 (An Act for the Better Control of Publications in Oriental Languages) became law on March 14, and it was operative in all the provinces except Madras. Summing up the debate of the Legislative Council, the Viceroy as President declared:

> "I cannot but regret the necessity which, by some irony of fate, has imposed on me the duty of undertaking legislation for the purpose of putting restrictions on a portion of the press of this country. By association, by temperament, by conviction, I should

[1] *A Nation in Making*, p. 59.

naturally find my place on the side of those to whom the free utterance of thought and opinion is an inherited instinct and a national birthright. I should have rejoiced had it fallen to my lot to enlarge, rather than restrict, the liberty of the press in India; for neither the existence nor the freedom of the press in this country is of native origin or growth. It is an exotic which especially claims and needs, from the hands that planted it in a foreign soil and clime, protecting shelter and fostering care. It is one of the many peculiarly British institutions which British rule has bestowed upon a population to whom it was previously unknown, in the belief that it will eventually prove beneficial to the people of India, by gradually developing in their character those qualities which have rendered it beneficial to our own countrymen. For this reason the British rulers of India have always, and rightly, regarded with exceptional tolerance the occasional misuse of an instrument confided to unpractised hands. But all the more is it incumbent on the Government of India to take due care that the gift for which it is responsible shall not become a curse, a stone instead of bread, to its recipients."[1]

Lord Lytton concluded by saying that what he desired was to prevent, not to punish, seditious appeals to the people and that he hoped that the gradual spread of education and enlightenment in India might ensure and expedite the arrival of a time when the restrictions now to be imposed might with safety be removed. Under the Vernacular Press Act, which he was introducing, the printer and publisher of any paper in an Indian language could be called upon to enter into a bond not to publish anything likely to excite feelings of disaffection against the Government or antipathy between persons of different races, castes and religions among His Majesty's subjects. If a newspaper contravened this regulation, it was first warned of the offence and if it re-occurred its equipment was liable to be seized. For those who wished to avoid such a risk, a system of censorship was framed by the Government and one of its officers was appointed to scrutinise proofs before publication.

The full text of the original Act was as follows:

Act No. IX of 1878.

AN ACT FOR THE BETTER CONTROL OF PUBLICATIONS IN ORIENTAL LANGUAGES.

Whereas certain publications in Oriental languages printed or circulated in British India have of late contained matter likely to

[1] *Lord Lytton's Indian Administration*, by Lady Betty Balfour (his daughter), p. 510.

excite disaffection to the Government established by law in British India, or antipathy between persons of different races, castes, religions or sects in British India, or have been used as means of intimidation or extortion:

And whereas such publications are read by and disseminated amongst large numbers of ignorant and unintelligent persons, and are thus likely to have an influence which they otherwise would not possess; and whereas it is accordingly necessary for the maintenance of the public tranquillity and for the security of Her Majesty's subjects and others to confer on the Executive Government power to control the printing and circulation of such publications; it is hereby enacted as follows:

1. This section and sections eleven to sixteen both inclusive apply to the whole of British India; the other sections of this Act apply only to those parts of British India to which they may from time to time be extended by the Governor-General in Council by a notification in the *Gazette of India*.

2. In this Act:

   "Newspaper" means any periodical work containing public news, or comments on public news, printed wholly or partially in any Oriental language, and includes two or more copies of a newspaper bearing the same name, whether published on the same day or on different days, and also includes any series of newspapers, whether printed on one day or different days, or with one name or with different names; and

   "Print", "printed" and "printer" apply not only to printing, but also to lithography, engraving and photography.

3. Any Magistrate of a District, or Commissioner of Police in a Presidency-town, within the local limits of whose jurisdiction any newspaper is printed or published, may, with the previous sanction of the local government and subject to the provisions of section 5, call upon the printer and publisher of such newspaper to enter into a joint and several bond, or when the printer and publisher of such newspaper are the same person, call upon such person to enter into a bond, binding themselves or himself, as the case may be, in such sum as the Local Government thinks fit, not to:

   (*a*) print or publish in such newspaper any words, signs or visible representations likely to excite disaffection to the Government established by law in British India, or antipathy between any persons of different races, castes, religions or sects in British India; or

   (*b*) use or attempt to use such newspaper

   for the purpose of putting any person in fear or causing annoyance to him and thereby inducing him to deliver to any person any property or valuable security, or any-

thing signed or sealed which may be converted into a valuable security or to give any gratification to any person, or

for the purpose of holding out any threat of injury to a public servant, or to any person in whom they or he believe or believes that public servant to be interested, and thereby inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of his public functions.

Explanation.—"Valuable security", "gratification" and "public servant" are used in this section in the senses in which they are respectively used in the Indian Penal Code.

4. When any bond is executed under section 3, the said Magistrate or Commissioner may further require the obligor or obligors of the same to deposit the amount thereof in money or the equivalent thereof in securities of the Government of India, and the money or securities so deposited shall, subject to the provisions hereinafter contained, remain so deposited until fifteen days after the person or persons depositing the same has or have made and subscribed a declaration under Act No. XXV of 1867, section 8.

When such person or persons has or have subscribed such a declaration, and fifteen days have elapsed from the date of subscribing the same, he or they may apply to the said Magistrate or Commissioner for the restoration of the said money or securities, and thereupon such money or securities shall, subject to the provisions hereinafter contained, be restored to such person or persons.

5. When any publisher or printer is called upon by a Magistrate or Commissioner of Police to execute a bond under this Act in respect of any newspaper, the publisher of such newspaper may deliver to such Magistrate or Commissioner an undertaking in writing to the effect that no words, signs or visible representations shall, during the year next following the date of such undertaking, be printed or published in such newspaper which have not previously been submitted to such officer as the Local Government may appoint in this behalf, by name or in virtue of his office, or which on being so submitted have been objected to by such officer.

When such undertaking has been so delivered, no such bond or deposit shall be required from the publisher or printer of such newspaper during the said year.

6. Whenever it appears to the Local Government that any newspaper printed or published in the territories under its administration contains any words, signs or visible representations of the nature described in section 3, clause (*a*), or

that any such newspaper has been used or attempted to be used for any purpose described in the same section, clause (*b*), such Local Government may cause a notice in the form in the schedule hereto annexed, or to the like effect, to be published in the local official *Gazette*.

7. A true copy of such notice shall be fixed on some conspicuous part of the premises described in the declaration made in respect of the newspaper under the said Act No. XXV of 1867, section 5, and the copy so fixed shall be deemed to have been duly served on the printer and publisher of such paper.

8. If after the publication of such notice and the service thereof, the newspaper in respect of which it has been issued contains any words, signs or visible representations of the nature described in section 3, clause (*a*), or is used, or attempted to be used, for any purpose described in the same section, clause (*b*), all printing presses, engines, machinery, types, lithographic stones, paper and other implements, utensils, plant and materials, used or employed, or intended to be used or employed, in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, and
all copies of such newspaper wherever found, and
any money or securities which the printer or publisher of such newspaper may have deposited under the provisions of section 4:
shall be liable to be forfeited to Her Majesty:
Provided that the publisher of any newspaper may, on the publication of a notice in respect thereof under section 6, and before anything has become liable to forfeiture under this section in respect of such newspaper, deliver to the Magistrate of the District, or to the Commissioner of Police in a Presidency-town, within the local limits of whose jurisdiction such newspaper is published, an undertaking in writing of the nature specified in section 5, and if such Magistrate or Commissioner accepts such undertaking, nothing shall become liable to forfeiture under this section between the date on which such undertaking is so accepted and the end of the period for which it is given.

9. Whenever it appears to the Local Government that any money or security deposited under this Act in respect of any newspaper is liable to be forfeited under section 8, such Local Government may, by a notification in the local official *Gazette* declare such money or security to be forfeited;

And whenever it appears to the Local Government that any implements, utensils, plant or materials used or employed, or intended to be used or employed, in or for the purpose of

printing or publishing any newspaper, or which is or are in or about any premises where such newspaper is printed or published, or any copies of any newspaper, is or are liable to be forfeited under that section,

the Local Government may declare such implements, utensils, plant, materials or copies to be forfeited, and may by warrant issued by its authority under the hand of any Magistrate empower any person to seize and take away such implements, utensils, plant, materials and copies wherever found, and to enter upon any premises:

(*a*) where the newspaper specified in such warrant is printed or published, or

(*b*) where any such implements, utensils, plant or materials may be or may be reasonably suspected to be, or

(*c*) where any copy of such newspaper is sold, distributed, published or publicly exhibited, or reasonably suspected to be sold, distributed, published or publicly exhibited, or kept for sale, distribution, publication or public exhibition, or reasonably suspected to be so kept,

and search for such implements, utensils, plant, materials and copies.

Every warrant issued under this section, so far as relates to a search, shall be executed in manner provided for the execution of search-warrants under the law relating to criminal procedure for the time being in force.

10. When any book, pamphlet, placard, broadsheet or other document printed wholly or partially in any Oriental language in British India contains any words, signs or visible representations which are of the nature described in section 3, clause (*a*).

or when any such book, pamphlet, placard, broadsheet, or other document has been used, or attempted to be used, for any purpose described in the same section, clause (*b*), all printing presses, engines, machinery, types, lithographic stones, paper and other implements, utensils, plant and materials, used or employed in or for the purpose of printing or publishing such book, pamphlet, placard, broadsheet or other document, or found in or about any premises where the same is printed or published, and all copies of such book, pamphlet, placard, broadsheet or other document, shall be liable to be forfeited to Her Majesty.

Whenever it appears to the Local Government that anything is liable to be forfeited under this section, the Local Government may declare such thing to be forfeited, and may direct any Magistrate to issue a warrant in respect of the same, and thereupon such thing may be searched for, seized and

taken away in manner provided by section 9. The local Government may, upon good cause shown, cancel any forfeiture under this section.

11. When any newspaper printed elsewhere than in British India contains any words, signs or visible representations of the nature described in section 3, clause (*a*), or is used or attempted to be used for any purpose described in the same section, clause (*b*), all copies of such newspaper, brought into British India, shall be liable to be forfeited to Her Majesty.

12. Whenever it appears to the Local Government that any copies of any newspaper in any of the territories under its administration are liable to be forfeited under section 11, such Local Government may declare all copies of such newspaper wherever found to be forfeited, and may by warrant issued by its authority under the hand of any Magistrate, empower any person to seize and take away all copies of such newspaper wherever found, and to enter upon any premises where any copy of such newspaper is sold, distributed, published or publicly exhibited, or reasonably suspected to be sold, distributed, published or publicly exhibited, or kept for sale, distribution, publication or public exhibition, or reasonably suspected to be so kept;
and search for all copies of such newspaper.

Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the law relating to criminal procedure for the time being in force.

13. Any person feeling aggrieved by the issue of any notification under section 9, or by any declaration made or anything done in the execution of a warrant issued under that section, or under section 10 or section 12, may, within three months from the date of the notification or declaration, or the doing of the thing complained of (as the case may be), appeal to the Governor-General in Council; and the Governor-General in Council shall take such appeal into consideration, and the order passed by him thereon shall be final and conclusive.

14. The Governor-General in Council may, by notification in the *Gazette of India*, direct that any newspapers printed at any place beyond the limits of British India, or any books, pamphlets, placards, broadsheets or other documents printed wholly or partially in any Oriental language at any such place, shall not be brought into, or circulated, distributed or publicly exhibited, or sold, or kept for circulation, distribution, public exhibition or sale, in British India.

Whoever, in contravention of any direction under this section, brings any such newspaper, book, pamphlet, placard,

broadsheet or other document into British India, or circulates, distributes, publishes, exhibits or sells the same, or keeps the same for circulation, distribution, exhibition or sale, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both; and all copies of such newspaper, book, pamphlet, placard, broadsheet or other document found in British India shall be forfeited to Her Majesty.

Whenever it appears to any Magistrate of a District, or to any Commissioner of Police in a Presidency-town, that anything within the local limits of his jurisdiction is forfeited under this section, he may issue a warrant to search for and seize the same, and such warrant shall be executed in manner provided for the execution of search-warrants under the law relating to criminal procedure for the time being in force.

15. When any declaration has been made under section 9, section 10 or section 12, in respect of any newspaper, book, pamphlet, placard, broadsheet or other document, or any notification has been issued in respect of the same under section 14, any officer of the Postal Department empowered in this behalf by the Governor-General in Council, by name or in virtue of his office, may search or cause search to be made for any copies of the same in the custody of that Department, and shall deliver all such copies found to such officer as the Governor-General in Council may appoint in this behalf by name or in virtue of his office.

16. Every notification and declaration of forfeiture purporting to be issued or made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place; and no proceeding purporting to be taken under this Act, or in execution of a warrant issued under this Act, shall be called in question by any Court of civil or criminal jurisdiction; and no civil or criminal proceeding shall be instituted against any person for anything purporting to be done under this Act or in execution of any such warrant, or for the recovery of any property purporting to be seized under this Act.

17. Any publisher or printer of a newspaper required to execute a bond or make a deposit under section 3 or section 4, and publishing or printing such newspaper without having complied with such requisition, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

18. When any publisher of a newspaper has given an undertaking under section 5 or section 8, and during the period for which such undertaking is given, any words, signs or visible repre-

sentations which have not been submitted to the officer appointed under section 5 or which, on being so submitted have been objected to by him, are printed or published in such newspaper, such publisher and the printer of such newspaper shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

19. Any portion of this Act which has been extended to any part of British India under section 1 shall cease to be in force in such part whenever the Governor-General in Council, by notification in the *Gazette of India*, so directs, but may be again extended to such part by a like notification.

20. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act.

Lord Salisbury (who had approved of the introduction of the Bill) had been succeeded, as Secretary of State, by Lord Cranbrook who shared the regret of the Viceroy and his Council at having to "fetter the press." Three members of the Secretary of State's Council recorded minutes of dissent, Sir William Muir, Sir Erskine Perry[1] and Colonel Yule, while ten members voted in favour of the Bill, and one abstained. In July, 1878, Mr. Gladstone, who did not favour the measure, introduced a motion in the House of Commons proposing that Her Majesty (Queen Victoria) should give directions that all proceedings which might be taken by the authorities under the Indian Vernacular Press Act should be reported to the Secretary of State and laid before Parliament from time to time. The Government, however, declined to accept this resolution. During the debate frequent references were made to the Minutes of 1835 and the general question of the freedom of the Indian Press. Gladstone's motion was lost by a majority of 56.

This did not mean that the home Government fully approved of the Act, for Lord Cranbrook had already informed the Viceroy that he objected to the provision which allowed an editor to avoid the necessity of depositing security by submitting to a censorship. His grounds were that, having regard to the wide variety of languages in India, the censors would have to be natives of the country, and that they would, in point of fact, have to write the newspapers. Consequent on this decision, a fresh Bill was introduced in September to delete the censorship clause; though during the seven months of its existence there had been no

[1] Sir Erskine Perry's notable Minute is dated 30 May, 1878.

occasion to put the Act into force. This fact the supporters of the measure quoted as evidence of its preventive effect on the press[1]. Reviewing the situation, Lord Lytton explained that it was the desire of his Government to "keep the press fully and impartially furnished with accurate current information in reference to such measures or intentions on the part of the Government as are susceptible of immediate publication without injury to the interests for which the Government is responsible."

In fulfilment of these proposals, a Press Commissioner was appointed; his function was two-fold. He was charged with the duty of supplying the press with early and accurate information in regard to public measures and he was also to be a channel of communication between the Government and the press published in Indian languages. Mr. (later Sir) Roper Lethbridge was appointed Commissioner. Writing some thirty-six years later Sir Roper described the origins and functions of his office as follows:

> "In the late sixties and early seventies of the last century I was a Professor in the Bengal Education Service, and, by special permission of Sir William Grey, the Lieutenant-Governor, and Lord Mayo, the Viceroy, [I] was allowed to devote my spare time to editing the *Calcutta Review* and writing leading articles for the *Englishman* and the *Friend of India*, and occasionally, also, for the *Pioneer* and the *Times of India*. It thus came about that when Sir George Campbell and Lord Northbrook, in 1872 and 1873, were consulting with Dr. George Smith, of the *Friend of India*, as to the relations between the Government and the Press, I was invited to join the discussion. Dr. Smith was then contemplating retirement, so it was arranged that on his giving up the *Friend of India* and the post of Calcutta correspondent of the London *Times*, I should be *seconded* in the Bengal Education Service in order to take up these two appointments, and thus provide a link of communication between the Government of India and the English Press, both in India and at home. This was Dr. Smith's idea—and if it had been carried out, and if the work on the Vernacular Press subsequently confided to the Press Commissioner had been added to it, there might never have been a Vernacular Press Act. Dr. Smith had obtained the sanction of the proprietors of the *Times*—at that time the weekly telegram from Calcutta occupied a whole column of the *Times* every Monday morning, and was of immense political importance—and I had arranged to move to Serampore, when Sir George Campbell was suddenly succeeded by Sir Richard Temple, Lord Northbrook by Lord Lytton, and the new regime favoured more drastic measures; for after Lord

[1] See speech by Sir A. Arbuthnot, 16 October, 1878.

Northbrook's very necessary deposition of the Gaekwar, the Vernacular Press had become distinctly seditious, especially in the Mahratta country. Lord Lytton decided that there should be a special officer of Government, to be called the Press Commissioner, who should openly and avowedly represent the Government with the Press both English and Vernacular. He was to be the exponent to the whole Press of the inner meaning of the Government policy—a very necessary function at a time when there was no right of interpellation in the Legislative Councils. And he was to be the 'whipping-boy' for the Government with the Press—every editor having the right to interview or write to the Press Commissioner, to make complaints, to verify facts, and to obtain an authoritative statement of the Government's policy. And, incidentally, the Press Commissioner was to have certain restrictive powers over those vernacular editors who chose to misrepresent his facts or his statements of Government policy—powers only to be exercised under the control and with the formal sanction, *first* of the Local Government, and *secondly*, of the Government of India. Nothing could be fairer than this.

"I think that Lord Lytton's plan was better than Sir George Campbell's in that it was perfectly open and above-board. The Press Commissionership itself, with its duties of reference and instruction, was immensely popular with the whole Vernacular Press—as was shown by the fact that when, in 1881, its abolition was decreed by Lord Ripon, as if it were a necessary consequence of the repeal of the Vernacular Press Act, a petition for its retention, that was organized by Raja Kristodas Pal of the *Hindoo Patriot* and Babu Norendro Nath Sen of the *Indian Mirror*, was signed and warmly supported by every vernacular editor throughout India except three! I still possess a copy of that petition with all its signatures, which I highly value as a certificate of good conduct! . . .

"With regard to the Vernacular Press Act of 1878, the mistake made by Lord Lytton's Government, as I think—and in that mistake they have been followed by all their successors—was in laying too much stress on the punitive powers conferred on the Press Commissioner. During the whole term of the Press Commissionership I never once had occasion to put those punitive powers into force! Only once did I even reach the penultimate stage, that of a warning of punitive action! In all other cases of difficulty full and frank sympathetic discussion between the editor and myself resulted in an amicable arrangement that was never broken. And when I retired from the Press Commissionership, and the office was unhappily abolished, there was not a single vernacular paper in all India that could be called obstinately seditious!—though naturally, after that great mistake on the part

of Lord Ripon's Government, they soon sprang up again like mushrooms. The poor little substitutes of a Government Press Room—with the added insult to vernacular editors of referring them for information to some subordinate Secretariat officer—were worse than useless. What Lord Lytton's Government ought to have done in 1878 was to pass a measure, not 'for the better control,' but 'for the better information and guidance' of publications in Oriental languages—creating and endowing the Press Commissionership (a most popular measure), setting out the rights and privileges conferred on vernacular editors in connection therewith, and only noting in brief and non-irritating clauses the correctional power that the Press Commissioner would possess in the rare case of the abuse of those rights and privileges. As it was, the Press Commissioner was never given a fair chance—at home he was denounced in an ignorant House of Commons as a 'Russian Censor'—and no sooner had the whole Indian Press learnt to know the beneficent nature of his operations, than Lord Ripon came out pledged beforehand to abolish the office when repealing the Vernacular Press Act, and bitterly regretted it when too late.

"With regard to the English Press of India as affected by the Press Commissionership, I cannot attempt to deal with the subject in this note—I have an immense number of letters from the late Mr. Robert Knight (of the *Indian Agriculturist*, and subsequently of the *Statesman* which he founded at this time), the late Mr. William Digby (of the *Madras Times*), and the late Mr. James Maclean (of the *Bombay Gazette*), which I have long intended to publish in order to elucidate this subject. The great difficulty was, of course, as Mr. Ratcliffe indicates, the serious injury done to the *Pioneer*. My old friend, Sir George Allen, had spent enormous sums in building up that great paper, and paid most princely fees to large numbers of highly placed officials as contributors in every Simla Department—with the consequence that every impending official change of every sort and kind was for a long time always announced first in the *Pioneer*. Every official in India was interested in these announcements, which I suppose were worth to the *Pioneer* and its highly paid contributors many tens of thousands of pounds annually. Naturally enough, not only Sir George himself, but also many of his contributors, were indignant at the prospect of losing this favoured position—and this was a great difficulty that had to be faced by those who favoured a more diffused system of information."[1]

As has already been pointed out, the Anglo-Indian journals resented the Press Commissionership as they had previously

[1] *Journal of the East India Association*, 1914, New Series, Vol. V, pp. 276–81.

established their own sources of Government information. The *Statesman* went so far as to ridicule some of the communications from this officer (then C. E. Buckland) as "fatuous flap-doodle." In reply, the Government immediately stopped all communiqués from being sent to the paper.[1] Good relations were eventually restored, but not before Lord Lytton had begun to doubt the utility of the Press Commissioner's office. It was left, however, to the next Viceroy (Lord Ripon) to order its abolition. When this decision became known (in 1881) one hundred and twenty-four newspaper editors and proprietors (representing the bulk of the press with the exception of the *Pioneer*, the *Civil and Military Gazette* and the *Statesman*) presented a Memorial to the Viceroy urging the retention of the office. The signatories concluded by saying:

"We do not wish to occupy your Lordship's time by pointing out in this Memorial the evils likely to arise from any competition to obtain Government secrets for publication by underhand means, whether by payment or by flattery. An official who can be bribed by either method is unworthy of Government confidence. Every Government in England supplies important information to the Press either generally or to its own special organs which are well known. It remained, however, for the Government of India to establish the precedent of supplying information to all papers whether supporters or opponents alike.

We would, however, specially call your Lordship's attention to the marked improvement in the Vernacular Press since the institution of the office of the Press Commissioner, a fact prominently noticed in several of the letters from the proprietors and editors of Vernacular Newspapers attached to the memorial. No longer dependent chiefly on bazar rumours for their information, the writers in the Vernacular Press are now able to discuss actual facts, and Government is thus provided with an opportunity of knowing the real sentiments of the people on all subjects of importance, a fact which is of itself sufficient to justify the retention of the appointment. The same argument applies, though, of course, in a less degree, to the English papers and the native papers published in English.

We have as yet failed to see any valid argument brought forward for the abolition of the appointment. It has been said that the procuring of news should be left for private enterprise, and though this may be true so far as ordinary news is concerned, in the case of special Government news, it simply means bribery and corruption in some form or other which every Government must wish to

[1] *The Calcutta Review*, Vol. CXXVII: Article by S. C. Sanial, pp. 386–7.

> prevent. The expense of the maintenance is but trifling, regard being had to the benefits mutually conferred and received by the Government and the Public. . . . We would, therefore, humbly request your Lordship that the appointment of the Press Commissioner may be maintained and that all the heads of offices may be directed to supply the Press Commissioner without delay with all important information which may be advantageous or useful to the public to know, without revealing confidential communications."

Notwithstanding this request, Lord Ripon abolished the Press Commissionership in March, 1881. In his reply he said that the system "seemed to be working satisfactorily so far as it went, but that the duties of the Press Commissioner were practically limited to the daily distribution to the Press of such items of official news as the Government thought expedient to publish, and that the scale of his salary, and the cost of his establishment were out of all proportion to the duties thus discharged." The highly paid appointment of the Press Commissioner was to be abolished but other methods were to be devised for affording direct information to the press.

But we are anticipating events.

What was the effect of the Vernacular Press Act? Indian resentment was, indeed, bitter. Lord Lytton had already, it may be recalled, deeply offended public sentiment by inaugurating his term of office by a *Durbar* at Delhi when two Presidencies were suffering from famine. And he had added to his unpopularity by increasing taxation. The *Amrita Bazar Patrika* believed that the Vernacular Press Act was aimed against that publication in particular, as it was still bilingual. But the conductors of the journal were equal to the occasion, and the issue of the paper following the passage of the Act appeared wholly in English.

Opposition to the measure grew throughout the country. One result was the foundation of what is to-day one of the leading Indian-owned newspapers, the *Hindu* of Madras. It was not the first venture of the kind in the southern Presidency for already two Indian-owned newspapers (*Native Public Opinion* and the *Madrasee*) had been established—but had failed to command sufficient support. When, therefore, six young men decided to establish the *Hindu*, there were many who tried to prevent them from engaging upon so hazardous an enterprise. Public opinion, though growing, was by no means organised. The Native Association had been disbanded and its organ, the *Crescent*, the

first newspaper of its kind conducted by Indians, had ceased to exist. But it was felt, wrote one of the founders of the *Hindu*[1] that "An Association which would represent the true state of the condition of the masses to the Government and their several grievances, and to get them redressed, to suggest to our Rulers the best means of utilising the latent activities of the people for the service of their country, to get recognised the claims of the sons of the soil to a proper share in the administration, to suggest modes of utilising the knowledge and attainments of the educated classes, in fact to induce our Rulers to put into practice the Magna Charta of our rights and liberties, such an Association was still a desideratum."

Though these words apply to the Madras Native Association, which was subsequently organised, they may also be taken to express the task which the *Hindu* set itself when it was first published in September 20, 1878—the year following Queen Victoria's Proclamation as Empress of India. For the first five years of its existence the paper was issued weekly.

Sir Surendranath Banerjea aptly describes the Madras of this period in these words:

> "Madras to-day, so instinct with the public life of India, is very different from what Madras was in 1878. To-day it is fully on a line with the rest of India as regards its public spirit and its efforts for the public good. In 1878, it was the only place in all India where I found it impossible to hold a public meeting upon a question of vital interest to our people, and in regard to which there was practical unanimity all over India."[2]

Sir Surendranath, who became the editor and proprietor of the *Bengalee* in 1879, also gives a vivid description of Bengal journalism of this period.

> "With the exception of the *Indian Mirror*, all our newspapers in Bengal, including the most influential, were weekly. The craving for fresh news was then not general; and Indian readers for the most part were content to have a weekly supply of news and comments thereon. I remember speaking at the time to the headmaster of a Government high school, a man of education and culture, who said to me that it took him a week's time to go through the *Bengalee* (then a weekly paper), and that if it were a daily paper he would not know what to do with it."[3]

[1] M. Viraraghavachari in the Silver Jubilee Supplement of the *Hindu*, 21 September, 1903.

[2] *A Nation in Making*, p. 50.

[3] ibid., 70.

Less than two years after the inception of the *Hindu*, Lord Lytton was succeeded by the Marquess of Ripon who will always be remembered in India and elsewhere for the practical interpretation he gave to his liberal ideas. Notwithstanding the conservative attitude of his Council, he was quick to perceive the general discontent throughout the country and considered a despotic policy not only insulting to India's own civilisation but one which could not but assist the deterioration and possibly the disintegration of political relationships.

On December 7, 1881, a Bill was introduced for the repeal of the Vernacular Press Act on the grounds that in the opinion of the Government, circumstances no longer justified the existence of the Act. As President of the Council, Lord Ripon brought the proceedings to a close by merely observing that "he did not wish to detain the Council by any observations of his own, nor did he think that he was in any way called upon to review the reasons or motives for which the Act was originally introduced. All he desired to say was that it would always be a great satisfaction to him that it should have been during the time that he held the office of Viceroy that the Act had been removed from the Indian Statute Book."[1]

Lord Ripon further stimulated political enthusiasm by inviting the co-operation of qualified Indians for the work of local and municipal administration, and by giving his support to a more vigorous educational policy. So far as Madras was concerned, one result of this increasing political consciousness was the conversion of the *Hindu* from a weekly to a tri-weekly paper, and as such it was printed from October, 1883.

Mention should be made at this stage of the famous case in which Surendranath Banerjea was involved since he claimed "the honour (for such I deem it) of being the first Indian of my generation who suffered imprisonment in the discharge of a public duty." On April 2, 1883, he had commented, in the columns of the *Bengalee*, on proceedings in the High Court involving the exposure of a Hindu idol in public. The charge was one of Contempt of Court and he was sentenced to two months imprisonment. According to Sir Surendranath, the effect of the case was to give a stimulus to the press.

> "It gave an impetus to journalism. The *Sulava Samachar* had been started as a pice paper by the late Keshub Chunder Sen,

[1] *The History and Law of Sedition*, by W. R. Donogh, pp. 209–10. See also *The Life of Lord Ripon*, by Lucien Wolf, Vol. II, pp. 402-3.

but the movement for cheap journalism had languished. Now, however, it received an awakened impulse in the passionate desire for news. Babu Jogendranath Bose started the *Bangabasi* as a pice paper. His example was followed by Babu Kristo Kumar Mitter. The *Bangabasi* and the *Sanjibani* still continue to hold an important place in the journalistic world of Bengal."[1]

Although they appreciated Lord Ripon's efforts, educated and qualified Indians considered that a mere advisory place in the country's administration was quite inadequate. But they still lacked a national forum for the expression of their views, though a number of provincial organisations were in existence, such as the Indian Association and the Indian League in Bengal. A year, however, after Lord Ripon retired from the Viceroyalty (1885) an organisation was born which has since answered this demand.

Much of the credit for the foundation of the Indian National Congress goes to Allan Octavian Hume, the son of Joseph Hume, the Liberal. The younger Hume had served in the Indian Civil Service from 1849 till 1882 and had been decorated for his work in the Mutiny. On his retirement he spent most of his time in introducing the tenets of English Liberalism to educated Indians. Perceiving the rising discontent among Indians at being shut out from any control over their country, he wrote that he considered it "of paramount importance to find an overt and constitutional channel for the discharge of the increasing ferment which had resulted from Western ideas and education."

Robert Knight of the *Statesman* was a radical and a Free Trader and therefore held liberal views on matters relating to the administration of public affairs. He, together with Wedderburn and a number of leading Indians, assisted Hume to establish the Indian National Congress. It may be mentioned here that when Knight died in 1890 the Indian Press called him "the Bayard of India" and paid moving tributes to the part he had played in building up public opinion. To revert, however, to the early days of the Congress.

In March, 1883, Mr. Hume had addressed an open letter to the "Graduates of the Calcutta University" as representatives of the intelligentsia. The burning zeal which animated this remarkable man can best be understood by a quotation from the concluding part of his letter:

"And if even the leaders of thought are all either such poor creatures, or so selfishly wedded to personal concerns that they

[1] *A Nation in Making*, pp. 74–84.

dare not strike a blow for their country's sake, then justly and rightly are they kept down and trampled on, for they deserve nothing better. Every nation secures precisely as good a government as it merits. If you, the picked men, the most highly educated of the nation, cannot, scorning personal ease and selfish objects, make a resolute struggle to secure greater freedom for yourselves and your country, a more impartial administration, a larger share in the management of your own affairs, then we, your friends, are wrong and our adversaries right, then are Lord Ripon's noble aspirations for your good fruitless and visionary, then, at present at any rate all hopes of progress are at an end, and India truly neither lacks nor deserves any better government than she enjoys. Only, if this be so, let us hear no more factious, peevish complaints that you are kept in leading strings and treated like children, for you will have proved yourself such. *Men* know how to act. Let there be no more complaints of Englishmen being preferred to you in all important offices, for if you lack that public spirit, that highest form of altruistic devotion that leads men to subordinate private ease to the public weal, that patriotism that has made Englishmen what they are—then rightly are these preferred to you, rightly and inevitably have they become your rulers. And rulers and task-masters they must continue, let the yoke gall your shoulders never so sorely, until you realise and stand prepared to act upon the eternal truth that self-sacrifice and unselfishness are the only unfailing guides to freedom and happiness."

Never was the country more ready to respond to such an appeal and the result was the first session of the Indian National Congress in Bombay at the end of December, 1885. Mr. Hume was disposed to begin his reform propaganda on the social side, but when he later discussed the matter with the Viceroy (the Marquess of Dufferin and Ava), who had explained the difficulty he felt in ascertaining the real wishes of the people, the movement was given a political as well as a social objective.

The objects of the Congress were declared to be firstly to enable the most earnest labourers in the cause of national progress to become personally known to each other and, secondly, to discuss and decide upon the political operations to be undertaken during the ensuing year. It was further declared: "Indirectly this Conference will form the germ of a Native Parliament, and if properly conducted will constitute in a few years an unanswerable reply to the assertion that India is still wholly unfit for any form of representative institution."

The seventy-two delegates who responded were mostly lawyers,

journalists and teachers; only two Muslims attended. The main resolution passed urged the expansion of the Supreme and Provincial Legislative Councils by the admission of a number of Indians elected by such bodies as municipal and district boards and that such Councils should have power to interpellate the Executive on all branches of administration.

The following year Congress was held at Calcutta and the number of delegates increased from seventy-two to four hundred and forty, of which thirty-three were Muslims.

Mr. Hume took an intimate interest in the *Hindu* which, from the year 1889 was published as a daily paper.

Lord Ripon was, we have stated, succeeded in 1884 by Lord Dufferin who had had administrative experience in Egypt. In his view it was necessary that the Government should decide quickly what concessions to popular opinion it was prepared to make and that such concessions should not be delayed. Lord Dufferin's attitude towards the press was one of friendliness and confidence and he gave to Government servants permission to contribute to newspapers. With regard to the constitutional problem, he envisaged the enlargement of the Legislative Councils and the introduction of the elective principle in connection with some of the non-official seats. Parliament, however, was not prepared to endorse the elective principle, though it had also been proposed by Lord Ripon and Lord Northbrook.

During Lord Dufferin's term of office the *Amrita Bazar Patrika* published certain information and views in connection with the administration of the affairs of Bhopal. The Agent considered these statements libellous and appealed to the Government in his official capacity, as Agent to the Governor-General for Central India, to take legal action. He argued:

> "I would most respectfully invite the Government to consider that its policy of indifference to malicious libels on high officials is misunderstood by the people of India of high or low degree. They either believe that the libels are true or that the Government is afraid to prosecute the Native Press which utters them. Whichever be their belief it is equally injurious to the power and prestige of the Imperial Government; more so than the open preaching of sedition . . . It will lose its chief support in time of danger while it will degrade the quality of its official class, for honourable men will hesitate to serve a Government which refuses to defend their honour."

In the opinion of the Viceroy any legal proceedings would have

tended to draw greater publicity to the matter under dispute and he decided against sanctioning a prosecution. His Agent (Sir Lepel Griffin) deplored the fact that the Government made no attempt to defend its servants in the eyes of the world "or to punish its malicious detractors, who are paid for their libels in the same manner as is an assassin for a dagger thrust in the back of an enemy"—and resigned and retired from the service.

Once more the *Amrita Bazar Patrika* helped to contribute towards press history when, during the Viceroyalty of Lord Lansdowne, who succeeded Lord Dufferin, the paper published what purported to be a confidential Foreign Office document concerning Kashmir. This led to the passing on October 9, 1889, of an Act to prevent the disclosure of official documents and information. In England the Official Secrets Act had been recently placed on the Statute Book so, when the Legislative Member of the Supreme Council, the Hon'ble A. R. Scoble, moved for leave to introduce the Bill, he was, in effect, keeping in step with the English Law. The Act was as follows:

Act No. XV *of* 1889.

An Act to prevent the Disclosure of Official Documents and Information.

Whereas it is expedient to prevent the disclosure of official documents and information: it is hereby enacted as follows:

1. (1) This Act may be called the Indian Official Secrets Act, 1889, and (2) It extends to the whole of British India, and applies, Title, extent and application.

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty and (*b*) to all Native Indian subjects of Her Majesty without and beyond British India.

2. In this Act, unless there is something repugnant in the subject, or context: Definitions.

(1) any reference to a place belonging to Her Majesty includes a place belonging to any department of the Government, whether the place is or is not actually vested in Her Majesty:

(2) expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model or information itself or the substance or effect thereof only be communicated:

(3) "document" includes part of a document:

(4) "model" includes design, pattern and specimen:

(5) "sketch" includes any photograph or other mode of representation of any place or thing: and

(6) "Office under Her Majesty" includes any office or employment in or under any Department of the Government.

Disclosure of information.

3. (1) (*a*) Where a person for the purpose of wrongfully obtaining information:

(i) enters or is in any part of a place belonging to Her Majesty, being a fortress, arsenal, factory, dockyard, camp, ship, office or other like place, in which part he is not entitled to be, or,

(ii) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of anything which he is not entitled to obtain, or takes without lawful authority any sketch or plan, or

(iii) when outside any fortress, arsenal, factory, dockyard or camp belonging to Her Majesty, takes or attempts to take without authority given by or on behalf of Her Majesty any sketch or plan of that fortress, arsenal, factory, dockyard or camp, or,

(*b*) where a person knowingly having possession of, or control over, any such document, sketch, plan, model or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time, or

(*c*) where a person after having been entrusted in confidence by some officer under Her Majesty with any document, sketch, plan, model or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully, and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated, he shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Where a person having possession of any document, sketch, plan, model or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place, belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3) Where a person commits any act declared by this section to be an offence, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a

foreign State, be punished with transportation for life, or for any term not less than five years, or with imprisonment for a term which may extend to two years.

4. (1) Where a person, by means of his holding or having held an office under Her Majesty, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust. Breach of official trust.

(2) A person guilty of a breach of official trust shall:

(*a*) if the communication was made or attempted to be made to a foreign State, be punished with transportation for life or for any term not less than five years, or with imprisonment for a term which may extend to two years, and

(*b*) in any other case be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) This section shall apply to a person holding a contract with any department of the Government, or with the holder of any office under Her Majesty as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty.

5. A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Local Government or of the Governor-General in Council. Restriction on prosecution.

The above Act received the assent of His Excellency the Governor-General on the 17th October, 1889. The following were its objects and reasons:

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to re-enact for India, *mutatis mutandis*, the provisions of the Official Secrets Act, 1889 (52 and 53 Victoria, c. 52), which has recently been passed by Parliament. That statute applies (see Section 6) to all acts made offences by it when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere, but the working in India of criminal law enacted by Parliament has not infrequently, notwithstanding the provisions of 37 and 38 Vict., c. 27, s. 3, been found to be beset with practical difficulty. Under these circumstances it seems desirable to take advantage of the saving for laws of British possessions contained in section 5 of the Statute and re-enact

it for India with such adaptations of its language and penalties as the nomenclature of the Indian Statute book requires.

Time was marching on. While the nineteenth century had begun in England with a very marked development in social ideas, it closed at a period when science was rendering many old forms obsolete. Universal education, the railway, a cheap press, the electric telegraph, indeed mechanical inventions of various kinds were all tending to democratise national life. Inevitably, the influence of these changes was felt in India and the succeeding sessions of Congress provided evidence that Indian political opinion was far in advance of what the Government in England and India deemed advisable.

There were, moreover, internal reasons for the progress of public opinion. The chief of these were the Ilbert Bill of 1883, the Age of Consent Bill of 1891, the Indian Councils Act of 1892, and the Government's measures to cope with plague in Bombay in 1896.

The Ilbert Bill controversy had its origins in racial discrimination. Under the existing law Indians were held not capable, in their magisterial capacity, of hearing charges against Europeans within their jurisdiction. This meant that those Indians who had passed the Indian Civil Service examination and had been posted to the judicial branch of the administration were in an anomalous position. Therefore, Sir Courtney Ilbert, the Law Member, introduced a bill to confer on Indian District Judges the same powers as were enjoyed by their British colleagues. The introduction of this measure caused immense indignation in the European community, especially among the indigo and tea planters who declared that they would be liable to be exposed to unfounded charges. The Government bowed to the strong protest and amended the Bill so as to give Europeans who were accused of criminal offences in the mofussil, the right of demanding trial by a jury, of which at least half the members were Europeans or Americans. Naturally, Indian sentiment was shocked by this discrimination and by the underlying implication that Indian Judges could not be relied upon to maintain judicial standards.

The Age of Consent Bill was in a different category. As a result of the death of a Hindu child-wife in Calcutta, Lord Lansdowne's Government passed the Age of Consent Bill prohibiting consummation of marriage until the wife was at least twelve years old. Orthodox Hindu opinion throughout the country objected to the

measure on the ground that it was in the nature of unwarranted interference with religious custom. The editor, manager and printer of *Bangabasi* of Calcutta, which expressed this view, were prosecuted for sedition. Tilak, in his Marathi journal, *Kesari*, denounced the measure and declared that every Hindu supporter of it was a traitor to his faith. He wanted to harness the criticism of the Bill to the existing political discontent. In other words, he had "the clear perception that the political movement could not afford to cut itself off from the great mass of the nation or split itself up into warring factions by a premature association of the social reform question with politics."[1]

The Age of Consent Bill also affected the destinies of the *Amrita Bazar Patrika*. It was still being published as a weekly, and Hindu opinion required a daily organ of expression. Therefore, on February 19, 1891, the *Patrika* began its career as a daily newspaper.

Another important journal which was founded during this period of national awakening was *The Indian Social Reformer* of Bombay. The *Reformer* was started in 1890 with the main object of advocating social reforms, such as women's education, the abolition of caste, the removal of the ban on the remarriage of widows and the raising of the marriage age of girls. While the paper also dealt with political reforms, its central aim was social reform and it has thus approached all controversial questions. Believing in evolution, as opposed to revolution, the *Reformer* advocates ordered progress, in conformity with the genius of the Indian people.

The Indian Councils Act of 1870 had provided additional facilities for the employment of Indians, and now the Indian Councils Act of 1892 marked a further advance.

As a result of this measure the Legislative Councils were enlarged and Local Boards and Corporations were given the right to recommend members for the Councils, subject to the approval of the Government. The scope of debate and the power to ask questions were restricted and the Government was rendered secure by its majority representation. Congress, which met at the end of the year, recorded disappointment with the new measure as it did not go far enough in the direction of meeting Indian aspirations.

Lord Elgin succeeded Lord Lansdowne in 1894. His régime,

[1] Babu Aurobindo Ghose in *Bal Gangadhar Tilak: His Writings and Speeches*, p. xxvi.

so far as the press was concerned, was noteworthy on account of the amendment which was made to the sedition section of the Indian Penal Code. The year 1896 was a year of famine in Bombay; to add to the distress of the people it was followed by an outbreak of bubonic plague. In dealing with this critical situation the Government decided to attempt to segregate the victims. Not unnaturally, many families wished to keep their stricken members in their homes. Great was the indignation, therefore, when British troops were used in Poona to search the houses of suspected cases. The administration doubtless acted in the best interests of the community. On the other hand, it is not difficult to understand the resentment caused by this encroachment on liberty and privacy. Tilak, in the columns of *Kesari*, accused the military of having offended the religious susceptibilities of the people and conjured up visions of Shivaji, the great Maratha hero, ever "tolerating such persecution." The material on which he worked was highly inflammable and two young Chitpavan Brahmins (Tilak's own community) were tried for the murders of a military officer and the Indian civilian in charge of the plague-precaution measures at Poona. The accused were convicted and executed and Tilak himself was tried for sedition and imprisoned for eighteen months.

The Government was seriously alarmed at this outbreak of violence and similar outrages which had taken place elsewhere. They ascribed them largely to the suggestive propaganda appearing in the press and in 1897 they proposed to add sections to the Indian Penal Code to enable them to deal legally with the situation. In the view of the Lieutenant-Governor of Bengal, Sir Alexander Mackenzie:

> "The necessity for the proposed legislation is unquestionable. Ever since the repeal of the Vernacular Press Act, the Native Press has been year by year growing more reckless in its mode of writing about the Government, Government officers, and Government measures. Doubts having been always felt by the law officers, as to the scope of section 124A of the Penal Code, the general policy has been to ignore these attacks . . . Whether, then, we look at the objections which have been taken by the people themselves to the interpretation of the present law by the Courts, or to the nature of much that has been written in the Native Press, the necessity for an amendment of the law is clear."[1]

In introducing the amendments, the Law Member, the Hon'ble

[1] *The History and Law of Sedition*, by W. R. Donogh, p. 66.

M. D. Chalmers, explained to the Supreme Legislative Council that the Government had considered the possibility of the re-enactment of a Press law similar to the Vernacular Press Act of 1878. This course had been rejected because they saw no reason for discriminating between the press in Indian languages and the English Press. "We have been urged," he said, "both from official and private sources to re-enact the Press law. But we are entirely opposed to that course. We do not want a press in leading strings that can be made to dance to any tune that its censors may think fit to call. We want simply a free Press that will not transgress the law of the land. We are aiming at sedition and offences akin to it, and not at the press."

Summing up the debate, His Excellency Lord Elgin declared:

> "All that we, the Government, can say is that we desire the powers necessary to put down sedition. We ask for nothing more, but we can be satisfied with nothing less. We do not desire to have a law which bears oppressively on one particular section of the community. Only partial justice is done to us when it is said that we have abstained from proposing an enactment aimed at the Vernacular Press, because as a matter of fact our legislation is not a Press Act at all. It lays down certain rules of conduct, by observing which any member of the community can keep within the law, rules which are applicable to all and show favour to none."[1]

The original draft proposed by the Law Member was, after some discussion, amended and the new provision introduced into the Indian Penal Code was as follows. It did not alter the law of sedition but merely re-stated it in plainer language.

> "124A. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards Her Majesty or the Government established by law in British India, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.
>
> *Explanation* 1. The expression "disaffection" includes disloyalty and all feelings of enmity.
>
> *Explanation* 2. Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

[1] *The History and Law of Sedition*, by W. R. Donogh, p. 70.

Explanation 3. Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section."

A new section, 153A, was also added to the Penal Code. The provision was as follows:

"153A. Whoever, by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of Her Majesty's subjects shall be punished with imprisonment which may extend to two years, or with fine, or with both.
Explanation. It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of Her Majesty's subjects."

At the same time section 505 of the Indian Penal Code was amended to read as follows:

"505. Whoever makes, publishes or circulates any statement, rumour or report,

(*a*) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of Her Majesty or in the Royal Indian Marine or in the Imperial Service Troops to mutiny or otherwise disregard or fail in his duty as such; or

(*b*) with intent to cause, or which is likely to cause, fear or alarm to the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(*c*) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception. It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true, and makes, publishes or circulates it without any such intent as aforesaid."

Perhaps the main factors which influenced the press during the era which was passing, were the establishment of the Indian National Congress in 1885, the Indian Councils Act of 1892 and the interest in technical matters which had spread from the West.

Recognising as it did that Indians had the right to choose their own representatives through approved public bodies and constituencies, the Councils Act gave a notable impetus to journalism. Indeed, it influenced its development to the extent that the debates in the Legislature became a leading feature of the news. Speeches of public men were the subject of discussion and criticism and from thenceforward Indian daily journalism was to take on its present bias in favour of news of a wholly political character.

Hitherto, English politics had been the main interest of newspapers in India. The Irish question and the possibility of a Russian invasion of the North-Western frontier were favourite topics. A journalist who served during this period has left it on record that he knew an editor who boasted that out of three hundred leading articles he had written in a single year, no less than two hundred were fulminations against the Moscow terror.[1]

Towards the end of the nineteenth century, weekly and technical journalism became a feature of the Indian newspaper world. On January 3, 1880, *The Times of India* published a weekly summary of the news incorporating the leading and special articles of the daily paper. This was before the era of news pictures, but during the Great Famine a few illustrations were published to supplement the letters of the special correspondents in the affected areas. The appreciation of this innovation was so great that the proprietors thought that there was vast scope in India for an illustrated paper. Just over twenty years later, therefore, the paper changed its form, and took advantage of the advent of illustrations to journalism, and became known as *The Times of India Illustrated Weekly*.

In the year 1888, Mr. Shirley Tremearne, who was both a lawyer and a journalist, founded *Capital* in Calcutta. As its name implies, this journal dealt with news and views of a commercial and financial character. It has weathered many storms and exists to-day as one of the leading papers dealing with economic matters.

About the same time *Indian Engineering* was founded by a civil engineer, Mr. Pat Doyle. This journal was later followed by the *Eastern Engineer*.

Sports journalism was represented by the *Asian* and *The Indian Planters' Gazette*. The circulation of both of these papers was practically restricted to the non-Indian section of the reading public although in course of time news of sporting events was to occupy a prominent place in Indian newspapers.

[1] Pat Lovett in *Journalism in India*, p. 9.

In 1899, Mr. Sachchidananda Sinha founded and edited *The Hindustan Review*, a monthly periodical devoted to articles and reviews of topics of political, historical and literary interest. Mr. Sinha, who is a well-known politician of Bihar, was later to sit in the Imperial Legislative Council and the Legislative Assembly and to become, from 1921 to 1926, a member of the Executive Council of the Bihar and Orissa Government. He continued to edit *The Hindustan Review* until he accepted this office but resumed editorship in 1929.

The close of the century saw a critical state of affairs. The intelligentsia was clamouring for rapid political advance. And, in the absence of what was considered an adequate response from the authorities, much of the agitation had been driven underground and the terrorist movement grew in force. Briefly, the problem before the Government was to devise a policy which would meet what were in their view reasonable demands and yet would yield nothing to the forces of extremism. The story of how the administration has attempted to solve this dilemma is the story of the present century.

CHAPTER TWELVE

CHRONOLOGICAL TABLE

1858 Julius Reuter starts his news service.
1860 Service extended to India.
1870 British Post Office takes over all inland telegraph companies.
1896 Marconi invents wireless telegraphy.

CHAPTER TWELVE

NEWS AGENCIES

THE development of the electric telegraph, as we have already seen, resulted in a radical change in the distribution of news. In 1870 the British Post Office purchased the private telegraph companies communicating with the metropolis and the result was that telegrams were thereafter sent and received from the General Post Office. On acquiring control of telegraphic communication, the Post Office made substantial reductions in the cost of transmission; the press, in particular, had reason to be gratified by the change in control, since the charge for press telegrams was only a shilling for a hundred words.

More rapid means of communication led, among other things, to the development of news agencies. In the first chapter we saw how both oriental and occidental rulers availed themselves of the services of news-writers; from their work may be said to have sprung the news agency idea. With the expansion of commerce and the necessity for the latest news from the mercantile centres of the world, up-to-date intelligence became more than ever desirable. Augsburg, a famous place in medieval history, has been called the home of large-scale news gathering and distribution. For it was here that the House of Fugger received information from their trading colleagues and clients throughout the West and the East. Established in the fourteenth century, their business grew to be one of the most prosperous in Europe. Other large business houses devised similar arrangements and it became obvious that if the cost could be shared, the expense of news gathering to individual firms could be considerably diminished.

The most famous reputation in the history of news agency journalism was being established in the middle of the nineteenth century. Julius Reuter of Cassel, in Germany, was a young Jewish bank clerk and he realised that the bankers and merchants of Germany were dependent on the slow mail coach which brought the Paris Bourse prices every day from Brussels. This was because in those days the French telegraph system ended at Brussels, and the German telegraph system only began at Aachen. So Reuter started a pigeon post service between Brussels and Aachen and thus was able to beat all competitors in transmitting the Paris

Bourse prices to the large German towns. Originally, Reuter's service only covered commercial and financial prices but subsequently, after gaining experience as a courier to several of the courts of Europe, he conceived the idea of starting a news service. The British press was more firmly established than the German, and Reuter went to London with the hope of finding encouragement in that city.

The Central Press was then already in existence. This organisation supplied provincial journals not only with news but also with editorial articles which had previously been composed and stereotyped in London; an arrangement which saved both the time and labour of provincial subscribers. The idea of Reuter, however, was that there should be a telegraph agency of foreign news: the story is told in the words of his first supporter as follows.

In the *Newspaper Press*[1] James Grant, Editor of the *Morning Advertiser*, relates how until the year 1858 there existed nothing like systematic telegraphic communication from the Continent to Great Britain. The *Times* and most of the other morning papers received occasional telegraphic dispatches from their Continental correspondents but with the exception of the *Times*, the average payment made for telegrams did not exceed £40 per month.

In October, 1858, a stranger who spoke English well, but with a German accent, presented himself to Mr. Grant and suggested that he might be able to supply the daily press of London with earlier and more accurate intelligence of importance by telegraph as a result of his experience and the personal contacts he had formed with most of the European governments. The cost, he suggested, would be less than the payments the papers were then making for their telegraphic news. He admitted that the Manager of the *Times*, while expressing no doubt that he felt confident he could accomplish all that he was willing to undertake, had declared that they generally found they could do their own business better than anyone else.

After a detailed discussion, Reuter offered to supply his telegraphic information from the Continent daily for a fortnight without any charge. This was to enable Mr. Grant to compare the new service with that of his special correspondents.

A similar arrangement was made with other newspapers. In the words of James Grant:

"The result of the comparison between his organization and

[1] Vol. 2, pp. 323–341.

> that of the morning papers at the time, proved the very great superiority of his. Not only did I at once give a permanent acceptance to Mr. Reuter's proposals, but the managers of the other journals did the same; and from that day is to be dated the wonderful organization now known throughout the world as "Reuter's Agency." The *Times*, I ought to mention, soon after joined the other morning journals in accepting Reuter's telegrams."

It was not long before Reuter began to enter the Indian market. According to Mr. Grant, he was able to establish, chiefly on his own account, a telegraphic news service between India and Great Britain. "So great was the success of that enterprise, owing to the high prices which the leading merchants, both in India and England, paid for the transmission of their messages, that the dividend exceeded twenty per cent.; and the few shares which were in the market, held by others, brought treble the original price."

We have already seen how the *Bombay Times* received Reuter's news by mail as early as 1860 and how, when telegraphic communication was started, the service was transmitted by wire. Other Anglo-Indian papers soon followed, but the first Indian journal to subscribe was the *Bengalee* when it was converted from a weekly into a daily paper in February, 1900.

The finances of the Reuter organisation have, since its inception, been the subject of discussion in the newspaper world. Writing about 1870, Mr. Grant declares that the aggregate sum received for telegrams, which were not strictly press communications, was very great.

> "I know that for one telegram which he sent some years ago to Calcutta, he received no less than £130. This telegram consisted of a summary of the Budget which Mr. Gladstone, who was Chancellor of the Exchequer at the time I mention, brought before the House of Commons. Never, in the history of Great Britain, was a budget looked forward to with greater interest than that financial statement of Mr. Gladstone. Its leading items, extending to no less than a column of the leader type of the *Times*, were sent to the Governor-General on the evening on which the statement was made, and reached the Governor-General within a few hours of the time in which Mr. Gladstone, as Chancellor of the Exchequer, was done speaking; and for this telegraphic communication, as I have said, Mr. Reuter charged and received £130."

The foundation and the aims of Reuter's News Agency are described by its conductors in the following terms:

"Julius Reuter, later to be the first Baron de Reuter, started his service of financial and political information by means of carrier pigeons a century ago. In the year 1865 he translated what had become a prosperous private telegraphic intelligence service, with its name known all over the world, into a public company. In 1881 the Founder was succeeded by his elder son Baron Herbert de Reuter.

At Baron Herbert's death, in 1915, the present Chairman and Managing Director, Sir Roderick Jones, K.B.E., who started his Reuter career as an assistant correspondent, converted the Company into a private Corporation, at a cost of over half a million sterling, and became principal proprietor. Holding the view, however, that Reuter's was a National Trust which ought not to be dependent for its inviolability, and possibly its existence, upon the life of one man, he transferred the ownership of Reuter's ten years later, by a process which occupied a further period of five years, to over one hundred British newspapers representing all shades of political and economic thought, whose interest and aim in common are to obtain the uncoloured presentation of objective truth, irrespective of every outside consideration and influence.

The vital principles of accuracy and impartiality, which are and always have been the distinctive attributes of Reuters, are thus entrenched; and their maintenance is assured by the fact that the day-to-day working of this vast and complex international undertaking is under the direct personal control, independent and unfettered, of the Chairman and Managing Director."

CHAPTER THIRTEEN

CHRONOLOGICAL TABLE

1899 Lord Curzon Viceroy; South African War.

1900 *Indian Review* established.

1901 Edward VII, King of England.

1903 Indian Official Secrets Act amended.

1905 Partition of Bengal; *Associated Press of India* founded; Lord Minto Viceroy.

1908 Newspapers (Incitement to Offences) Act.

1909 Morley-Minto Reforms; the *Leader* of Allahabad founded.

1910 Act to Provide for the Better Control of the Press; Lord Hardinge Viceroy; George V, King of England.

1911 Delhi Durbar; capital transferred from Calcutta to Delhi.

1913 *Bombay Chronicle* established.

CHAPTER THIRTEEN

THE TWENTIETH CENTURY

THE turn of the century heralded a new era in Indian politics and, consequently, in the development of the press. Indeed, January 1900, is a memorable date in the annals of Indian journalism for it was then that Mr. G. A. Natesan first published his *Indian Review*. He had served an apprenticeship on the *Madras Times* and was so endowed with ability, energy and enthusiasm that though only twenty-six years old he resolved to bring out a monthly review to be devoted to articles furthering the welfare of India. It was his ambition that the journal should have as its contributors, both Indians and Englishmen, who were in a position to add to the country's welfare. Mr. Natesan had already established a flourishing printing business and he was therefore his own printer, publisher, manager and editor, and his *Review* was, and still is, remarkable for the distinguished number of contributors who have written in its columns.

Though they do not come strictly within the scope of our survey, it is desirable that some reference should be made to the numerous political biographies which have been published by the firm of Natesan. The head of this organisation has a very sure instinct as a publicist and the biographies, collections of speeches by leading politicians, and symposia of their views on questions of the day, are valuable records of Indian political thought.

It is noteworthy that the Rt. Hon. V. S. Srinivasa Sastri assisted Mr. Natesan for some time and the following extract from a letter to the latter's sons reveals the true spirit of the pioneer journalist.

> "In those days I had to do two men's work in the Hindu High School but, being thirty and in full vigour, I do not remember grudging the hours I devoted to Natesan's new venture. Electric lighting was then unknown. The large amount of proof-reading and other labour that fell to my share was done by the light of two candle-lamps late at night and early in the morning. My eye had a flair for the detection of wrong spelling and wrong type, and so strong is the bias that I then caught that I cannot now read even a borrowed book without itching to decorate the margin with marks for which every succeeding reader will curse me. No occulist ever told me, but I have always traced my premature acquisition

of long sight—it came to me at 35—to the vigils which I took on myself beside the cradle of the *Review*. At the very start we had to tackle the Boer War, and I undertook the preparation of a short history of the circumstances that led to it and the narration in connected form of the incidents of the war in each monthly issue. Natesan told me afterwards that a military officer asked him for the name of the soldier who wrote these monthly accounts as he felt sure only a specialist could have written them."[1]

Another very promising young man who was making his mark at this time was Mr. (now Sir) C. Y. Chintamani who had just then edited the speeches and addresses on social reform of Mr. Mahadev Govind Ranade. Though yet young, Chintamini had already established a reputation for a remarkably retentive memory on all matters connected with literature and politics, a reputation which was to become India-wide.

Yet another well-known leader of to-day was then coming into prominence as a publicist. Mr. N. C. Kelkar was at this time editing the *Kesari* and the *Mahratta*, having taken the place of Mr. Tilak, who was then in prison, serving a sentence for sedition.

Meanwhile, Queen Victoria's death in 1901, during Lord Curzon's Viceroyalty, brought to an end the period of sporadic agitation and the following years were to see the organisation of public opinion in a manner hitherto not contemplated. That the growing extent of this public opinion was partly the result of the repressive measures of the Government is well known—though we shall touch on some of the more important events as the narrative proceeds.

On December 4, 1903, the Government sought to amend the Indian Official Secrets Act of 1889—an Act which, as we have seen,[2] was an Indian edition of the English law already in force in India. The object of the amendment was to place Civil matters on a level with Naval and Military matters, and to extend to whoever "without lawful authority or permission (the proof whereof shall be upon him) goes to a Government Office, and commits an offence under the Act." All offences under the Act were cognisable and non-bailable. Clearly, such a piece of legislation gave the Government undefined and complete authority to prosecute. The *Englishman* of Calcutta characterised the proposal as "Russianising" the administration, a criticism which called forth the appreciation of Mr. Gopal Krishna Gokhale, because, he

[1] Letter dated Coimbatore, 31 July, 1933, published in *Sixty Years After*, (August, 1933—Natesan, Madras). [2] See page 299.

said, the Bill even if it became law, would not in practice affect the writer or the other editors of Anglo-Indian papers.

> "I would," he said, "like to see the official who would venture to arrest and march to the police *thana* the editor of an Anglo-Indian paper. But so far as Indian editors are concerned, there are, I fear, officers in this country, who would not be sorry for an opportunity to march whole battalions of them to the police *thana*. It is dreadful to think of the abuse of authority which is almost certain to result from this placing of Indian editors, especially the smaller ones among them, so completely at the mercy of those whom they constantly irritate or displease by their criticism."[1]

In previous chapters we have seen how English journalists had criticised the administration and how they were deported and otherwise punished for their temerity. But now, with the rise of Indian journalism, the Anglo-Indian papers had come to be regarded as the supporters of the Government and, as Mr. Gokhale pointed out, the prospect of an editor of an Anglo-Indian paper being arrested had become unthinkable.

Mr. Gokhale very wisely said:

> "The proper and only remedy, worthy of the British Government, for whatever is really deplorable in the present state of things, is not to gag newspapers as proposed in this bill, but to discourage the issue of confidential circulars which seek to take away in the dark what has been promised again and again in Acts of Parliament, the Proclamations of Sovereigns, and the responsible utterances of successive Viceroys. From the standpoint of rulers, no less than that of the ruled, it will be most unfortunate if Indian papers were thus debarred from writing about matters which agitate the Indian community most."[2]

The Bill was amended in several details by the select committee appointed to examine it, affected no doubt by the unanimity of the press, Anglo-Indian as well as Indian, in condemning the proposed measure. Even so, it potentially curtailed the freedom of the press and led Mr. Gokhale to condemn such restriction. With great eloquence he declared:

> "Nowhere throughout the British Empire is the Government so powerful relatively to the governed as in India. Nowhere, on the other hand, is the Press so weak in influence, as it is with us. The vigilance of the Press is the only check that operates from

[1] *Speeches of Gopal Krishna Gokhale*, pp. 214–215.
[2] ibid., pp. 215–16.

outside, feebly, it is true, but continuously, upon the conduct of the Government, which is subject to no popular control. It is here, therefore, if anywhere, that the Legislature should show special consideration to the Press, and yet here alone it is proposed to arm Government with a greater power to control the freedom of the Press than in any other part of the Empire. My Lord, we often hear Government complaining of the distrust shown by the people in this country, and the people complaining of the Government not trusting them enough. In such a situation, where again the question is further complicated by a tendency on the part of the Government to attach undue importance to race or class consideration, the wisest and safest and most statesmanlike course for it is to conduct its civil administration as far as possible in the light of day. The Press is, in one sense, like the Government, a custodian of public interests, and any attempt to hamper its freedom by repressive legislation is bound to affect these interests prejudicially, and cannot fail in the end to react upon the position of the Government itself. . . . In England the Government dare not touch the liberty of the Press, no matter how annoying its disclosures may be, and has to reconcile itself to the latter, regarding them as only so much journalistic enterprise. In India the unlimited power which the Government possesses inclines it constantly to repressive legislation. This single measure suffices to illustrate the enormous difference between the spirit in which the administration is carried on in England."[1]

At this time the leading organs of public opinion in Calcutta were the *Englishman*, which represented the ultra-conservative Europeans, the *Indian Daily News* (which was then practically owned by Mr. David Yule) which pursued a *via media*, and the *Statesman*, which was in those days almost radical in its views. Indian opinion found expression in the columns of the *Bengalee*, edited by the talented Surendranath Banerjea, who is remembered for, amongst other things, his vigorous campaign against the Partition of Bengal. Lord Curzon's administration decided on the Partition of Bengal in 1905 which gave rise to a body of criticism (including some in the Anglo-Indian Press) which was to develop into a great national agitation.

In Madras the Indian point of view was expressed by the *Hindu*, while the European community supported the *Madras Mail*, which was, however, inferior in circulation to its rival.

In Bombay the leading dailies were the conservative *Times of India*, the liberal *Bombay Gazette*, and the *Advocate of India*,

[1] *Speeches of Gopal Krishna Gokhale*, pp. 222–23.

an evening paper which dealt mainly with civic matters. There was no daily newspaper expressing Indian opinion, but the *Indian Spectator*, ably edited by Byramji Malabari, gave a weekly survey of Indian affairs. The three Gujerati dailies, the *Bombay Samachar*, the *Jam-e-Jamshed* and the *Rast Goftar*, published English supplements.

The chief organ of Northern India European opinion was, as we have noted, the *Civil and Military Gazette* of Lahore. At this time it had been the practice of the leading newspapers to maintain correspondents at the headquarters of the Government, at Calcutta during the winter and at Simla during the summer. Howard Hensman, a very competent journalist, was then the representative of the *Pioneer* of Allahabad. Possessing as he did the privilege of entry to the offices of various Government officials, the *Pioneer* gained a reputation for exclusive news. His colleagues at Simla were Mr. A. J. Buck, of the *Englishman*, Mr. Everard Coates, of the *Statesman* and Mr. Dallas of the *Indian Daily News*. The last named had great assistance from Mr. K. C. Roy whose duty it was to get into touch with the minor officials in the various departments.

Finding a formidable competitor in Howard Hensman, the representatives of the three Calcutta papers decided to pool their resources, and thus the *Associated Press* was born, with Messrs. Buck and Coates as the first Directors. Later on the news agency was organised in all the important centres and Mr. Roy expressed the view that he should be offered a directorship. This was not conceded and he seceded from the group and, with Mr. U. N. Sen, founded a rival organisation—the *Press Bureau*. As a result of this competition, the Directors of the *Associated Press* came to terms with Mr. Roy, who then became a Director of the latter organisation. In course of time Coates' interest was acquired by Reuter, which organisation conducted the agency as an integral part of their service of news.[1]

While the formation of the *Associated Press* gave newspapers the opportunity of covering a wider field of news than would have been possible with their individual resources, it also led to the disappearance of the system of Special Correspondents. Newspapers did, it is true, maintain representatives in the large centres. But the Special Correspondents, on whom the leading newspapers had hitherto relied, were in the habit of travelling up and down the country covering events of importance. They developed

[1] See *Journalism in India*, by Pat Lovett, pp. 43–4.

individualistic styles and journalistic personalities. In other words, the establishment of the *Associated Press* had the effect of replacing the distinctly personal touch in Indian journalism by an impersonal routine service of news. It is frequently maintained that news agency reporting must, of a necessity, be objective and impersonal. This contention is not, however, universally accepted at the present day by news agencies in the United States and Great Britain. The fact that Reuter and its subsidiaries in India were in receipt of State patronage in return for the supply of news is probably one of the reasons why its messages were devoid of "colour," rather than any limitations placed on its scope because it is an agency.

Mr. K. C. Roy who has been described as "the cleverest news-ferret and 'scoopist' Indian journalism has produced" eventually played an important part in Indian politics and became a member of the Legislative Assembly. Another journalist who was to become a distinguished member of the central Legislative Assembly was Mr. W. Arthur Moore, Director and editor of the *Statesman*. He represented the Bengal European constituency.

Seven years of Lord Curzon's authoritarian rule had brought the people to a state of growing consciousness that only some direct action on their part would force the Government to take account of public opinion. The result was the inauguration of a boycott of British goods and the adoption of a policy, on the part of Indian Nationalists, of economic *swadeshi*.

In the meantime, Lord Curzon had been succeeded by Lord Minto, and the Balfour Ministry, in January, 1906, by a Liberal Government with Campbell Bannerman as Prime Minister and John Morley as Secretary of State for India. Well might Indian opinion have expected a reversal of the Partition decision. But it was disappointed when Morley declared that the decision could not be altered; thus the Indian intelligentsia was driven more and more into an attitude of uncompromising hostility.

A demand had already been formulated in 1905 that one half of the elected members in all the Councils should be Indians and for the appointment of three Indians to the Council of the Secretary of State. At the Calcutta session of the Congress which met under the presidentship of Mr. Dadhabhai Naoroji, a demand was made that the system of Government obtaining in the self-governing British colonies should be adopted in India. Differences of opinion had been developing amongst Indian leaders as to the pace and goal of their constitutional advance and there ensued,

as is well known, two schools of thought, the Moderates and the Extremists, or as sometimes called, the Liberals and the Nationalists. Apart from the dissatisfaction over the legislative position, Indian leaders were alarmed at the agrarian situation. In the Punjab there was a mounting volume of discontent and Lala Lajpat Rai was one of the media through whom it was expressed. The Government replied to this unrest by deporting Lajpat Rai in 1907—and this provided the Indian Press with another cause for a united protest.

Lord Minto, the Viceroy, was well aware of the trend of public opinion and he fully realised the desirability and necessity of trying to appease the Moderates. In February, 1907, in a dispatch to Lord Morley, the Secretary of State, he advocated the inclusion of an Indian in the Viceroy's Council. He wrote:

> "The reasons against it as stated in the notes of Members of Council [Minto had only one supporter amongst his colleagues] are generally very narrow, based almost entirely on the assumption that it is impossible to trust a native in a position of great responsibility, and that the appointment of a native member is merely a concession to Congress agitation. The truth is, that by far the most important factor we have to deal with in the political life of India is not impossible Congress ambitions, but the growing strength of an educated class, which is perfectly loyal and moderate in its views, but which, I think, quite justly considers itself entitled to a greater share in the government of India. I believe that we shall derive the greatest assistance from this class if we recognise its existence, and that, if we do not, we shall drive it into the arms of Congress leaders."[1]

In making so revolutionary a proposal that an Indian should be included in the Viceroy's Council, Lord Minto had to meet not only with the opposition of a majority of his own Council, but also of the authorities in England. His chief critic, perhaps, was King Edward VII to whom he had written a long personal letter explaining the reasons for his proposal. While at the present time King Edward's views read like the extremity of obscurantism, in 1907 they represented a wide section of opinion in England and are, therefore, given here in full:

> "My dear Minto"—he wrote—"Many thanks for your long and interesting letter of 4th instant in which you give me your reasons why you consider it desirable that a Native of India should form part of the Viceroy's Executive Council.

[1] *Lord Minto*, by John Buchan, p. 253.

As you hold such strong views on the subject and have given me many cogent reasons for such a new departure, I am very unwilling to differ from you as well as the Secretary of State on the subject. At the same time I hold very strong and possibly old-fashioned views on the subject, which my son, who has so recently been in India, entirely shares.

During the unrest in India at the present time and the intrigues of the natives it would I think be fraught with the greatest danger to the Indian Empire if a Native were to take part in the Councils of the Viceroy, as so many subjects would be likely to be discussed in which it would not be desirable that a Native could take part. Besides if you have a Hindu, why not a Mohammedan also? The latter would strongly claim it. If the present view which you so strongly advocate is carried into effect, and you find it does not answer, you will never be able to get rid of the Native again. The Indian Princes, who are ready to be governed by the Viceroy and his Council, would greatly object to a Native, who would be very inferior in caste to themselves, taking part in the Government of the country. However clever the Native might be, and however loyal you and your Council might consider him to be, you never could be certain that he might not prove to be a very dangerous element in your Councils and impart information to his countrymen which it would be very undesirable should go further than your council Chamber.

I have, however, informed the Secretary of State that owing to the great pressure which has been put upon me by my Government, I unwillingly assent but wish that my protest should remain on record, as I cannot bring myself to change my views on this subject.

That you never repent the important step now made is the ardent wish of yours very sincerely,

EDWARD, R. & I."

Well might King Edward refer to "the unrest in India." The Extremists were becoming impatient of the Moderates' attachment to constitutional forms of agitation. When the twenty-third session of the Indian National Congress met at Surat in December, 1907, a split could no longer be avoided. Uproarious and violent scenes were witnessed and the session had to be suspended *sine die*. Eventually, the police restored order. Thus the Moderates and the Extremists parted company, Mr. Gokhale leading the former and Mr. Tilak taking charge of the latter.

It almost appeared as if the future of the national movement were threatened and the Indian Press had now to take its stand for one party or the other. Certain sections of the Anglo-Indian

and British Press could hardly disguise their satisfaction at the trend of events. The Liberal *London Daily News*, however, reached the heart of the matter when it "hoped that the fiasco at Surat may do good, and that the failure of the Moderates was due to the slow pace and grudging scope of British reforms."[1]

Tilak pursued his campaign in the columns of the *Kesari* and the *Deshasewak* of Nagpur, and on the platform. The campaign bore such fruit that in June, 1908, the Government passed the Newspapers (Incitement to Offences) Act VII.[2] This Act empowered the authorities to take judicial action against the editor of any paper which published matter which in their view was an incitement to rebellion. In all, nine prosecutions were instituted under this Act. Seven resulted in the confiscation of presses; four in Bengal, two in the Punjab and one in Bombay. In one instance the Government of Bengal ordered the restoration of the presses on the owner tendering an apology and giving an undertaking that the liberties accorded would not be misused in future. In another instance, the Government's order was set aside on appeal to the High Court. All these prosecutions took place within a year, but for eleven years after (until the Act was repealed) it remained a dead letter. Moreover, the provisions of this statute were sometimes evaded as the result of mere nominees declaring themselves printers and publishers, while those persons who were really responsible maintained anonymity. Sometimes, as in the case of prosecutions against the *Yugantar* and the *Sandhya*, the proceedings were protracted and in the meantime the papers vastly increased their circulation. On one occasion, five editors of the same paper were convicted one after another and fresh dummy editors took their places.

In March, 1907, Lord Minto had announced that he had sent a dispatch to the Home Government proposing liberal administrative reforms. The following year was the fiftieth anniversary of Queen Victoria's Proclamation as Empress of India, and it was decided to mark the occasion by a message from the King to the people of India foreshadowing the forthcoming Reforms which were the subject of close and constant discussion between the Viceroy and Lord Morley. The time had come, the message ran, when the principle of representative institutions must be prudently extended and when the valour and fidelity of Indian troops should receive recognition. The latter promise was

[1] See *Indian National Evolution*, by Amvika Charan Mazumdar, pp. 113–114.
[2] See Appendix I.

due to a strong feeling on the part of Lord Minto that army careers should be opened to Indians.

We now come to an important period, within the memory of many, for a short while later the Morley-Minto Reforms became law. In 1909, the new Act enlarged the Legislative Council and the number of elected members. Power was given to members to move resolutions on matters of general public interest, to discuss the annual budgets and to put supplementary questions. In addition, an Indian was to be appointed to the Viceroy's Council and separate electorates were instituted.

All parties were disappointed by the Reforms, but the Moderates were of opinion that they should be worked for what they were worth. Lord Morley himself disclaimed any intention of introducing a parliamentary system of government in India in the following terms:

> "If I were attempting to set up a parliamentary system in India, or if it could be said that this chapter of reforms led directly or indirectly to the establishment of a parliamentary system in India, I, for one, would have nothing at all to do with it . . . it is no ambition of mine at all events to have any share in beginning that operation."

The Anglo-Indian Press naturally supported the Morley-Minto scheme, while the Indian Press was put into a quandary. In publishing the views of both the Moderates and the Extremists they had to adopt a policy which would antagonise neither section. Once again the Government's repressive policy secured recruits for the Extremists; Tilak, Bepin Chandra Pal, Upadhaye, Aurobindo Ghose, Lalá Lajpat Rai, and many others had been in jail. Therefore, in commenting on the Reforms, Indian journals also condemned the repressive aspects of Lord Minto's administration.

Moderates, such as Sir Pherozeshah Mehta, Sir Dinshaw Wacha and Mr. Gokhale, were deeply conscious of the need of an organ of opinion which would expound their viewpoint. Such a newspaper, the *Leader*, was established at Allahabad in October, 1909, principally by Pundit Madan Mohan Malaviya.

Earlier in this year Surendranath Banerjea, who gave his support to the constitutionalists, had attended the Imperial Press Conference in London as the sole representative of the Indian-owned Press. During a meeting of the conference, Lord Cromer asked whether the anarchical developments which had then taken place in India were not helped by the irresponsible utterances of

a certain section of the Indian Press. In reply, Surendranath admitted that there had been some irresponsible utterances, but denied that they had resulted in anarchical developments which, he declared, were not of the East, but of the West. He claimed, on behalf of his countrymen, that they had used the gift of a free press for the benefit of the Government and to the advantage of the people.

Tilak was an avowed extremist and he was not very concerned with the precise language he used in advocating his political programme. In Bengal, part of the press had adopted an unrestrained style of writing which led the Government to fear the development of a country-wide seditious movement. Anarchical ideas were undoubtedly gaining ground, largely as the result of discontent over the Partition of Bengal. In reviewing the situation, the Government cited several newspapers which had, in their view, exceeded the bounds of responsible criticism and it was maintained that the ordinary law could not be applied in these instances. It was decided, therefore, that fresh legislation would be required to meet what the Government of Bengal considered to be a threatening situation.

This legislation was embodied in Act No. 1 of 1910 (An Act to Provide for the Better Control of the Press).[1] In the Statement of Objects and Reasons appeared the following words:

> "The continued recurrence of murders and outrages has shewn that the measures which have hitherto been taken to deal with anarchy and sedition require strengthening and that the real source of the evil has not yet been touched. Prosecutions have invariably proved successful, but have produced no permanent improvement in the tone of the press."

Mr. S. P. Sinha (afterwards Lord Sinha) was the Law Member of the Government of India and he was of the opinion that the proposed measure was incompatible with the spirit of the Reforms. It is probable that he might have resigned over this issue had a dastardly crime not taken place on the eve of the first meeting of the Reformed Legislative Council. On January 24, 1910, a police officer was shot dead by an anarchist within the precincts of the Calcutta High Court in broad daylight. Addressing the Council the following day Lord Minto declared:

> "We can no longer tolerate the preachings of a revolutionary press. We are determined to bridle literary license. I am glad to

[1] See Appendix II.

believe that the support of an enlarged Council will go far to assure the Indian public of the soundness of any measures we may deem it right to introduce."

As a result of the murder, Lord Sinha supported the measure, instead of opposing it. He was not alone in having to decide by which attitude his patriotism would best be served. Mr. Gokhale had to face the same problem. Speaking on the occasion of the introduction of the Bill on February 8, 1910, Mr. Gokhale said that it was a cruel irony of fate that the first important measure to come before the Reformed Council was a measure to curtail a great and deeply cherished privilege which the country had enjoyed, with two brief interruptions, for three-quarters of a century. He maintained that the Penal Code was amply sufficient to punish sedition and that special legislation which had been passed the previous year (dealing with seditious meetings) could effectively put down incitement to violence. The new Bill made the forfeiture of security from printing presses and newspapers, a purely executive Act. It also empowered the Executive to order the forfeiture of such security and even the confiscation of printing presses on the ground that an offence had been committed. It was true that it was possible to appeal to a Special Tribunal of High Court Judges but this might not take place until the goodwill of a newspaper had been lost as a result of non-publication.

Gokhale declared that in ordinary times he would have deemed it his duty to resist such proposals to the utmost of his power, since the risks involved in them were grave and obvious. But in view of the situation that existed in several parts of the country, he had come, after careful and anxious consideration, to the conclusion that he would not be justified in opposing the principle of the Bill. He went on:

> "It is not merely the assassinations that have taken place, or the conspiracies that have come to light, or the political dacoities that are being committed, that fill me with anxiety. The air in many places is still thick with ideas that are undoubtedly antagonistic to the unquestioned continuance of British rule, with which our hopes of a peaceful evolution are bound up and this is a feature of the situation quite as serious as anything else. Several causes have contributed to produce this result, of which the writings in a section of the Press have been one. And to the extent to which a remedy can be applied to these writings by such executive action as is contemplated in the Bill, I am not prepared to say that the remedy should not be applied."

Mr. Gokhale went on to declare that the Indian Press had been, in the main, a potent instrument of progress; it had quickened national consciousness; it had spread in the country ideas of justice and equality not only between man and man but also between class and class; it had stimulated public spirit; it had set higher standards of public duty. In his opinion, while a considerable proportion of the press was no doubt ill-informed, prejudiced, even intolerably bitter in its comments on the administration and its measures; this sprang mainly from ignorance and from a feeling that grievances were not redressed, and not from any actual hostility to British rule itself. But during the last five years seditious ideas had no doubt spread more or less in all parts of the country and in some parts more rapidly and extensively than in others. He felt it was their first duty to help to remove these ideas and because he felt thus, he was prepared to let the Government apply the drastic remedies contemplated by the Bill.

One of the causes for the present state of affairs, emphasised Mr. Gokhale, was the writings in a section of the Anglo-Indian Press. He doubted if many Englishmen realised how large a share these writings had had in turning so many Indians against British rule. "The terms of race arrogance and contempt in which some of these papers constantly speak of the Indians, and specially of educated Indians, cut into the mind more than the lash can cut into the flesh. Many of my countrymen imagine that every Anglo-Indian pen that writes in the Press is dipped in Government ink. It is an absurd idea, but it does great harm all the same." Unfortunately, Englishmen needed to be reminded of these facts for many years to come.

In concluding his speech, Mr. Gokhale emphasised that unless the Bill were used with the utmost care and caution, the evil which it was intended to combat would only be driven underground. Force might afford temporary relief, but it could never prove a permanent remedy to such a state of things as existed in the country. It was only in the co-operation of all classes and the steady pursuit of a policy of wise conciliation on the part of Government that the best hopes of thoughtful men on both sides must lie.

Under the new Press Act (Act I of 1910) the Government was empowered to instruct the Government Solicitor to go before the Presidency Magistrate to demand security from any newspaper publishing matter considered offensive. In other words, punitive action could be taken at the discretion of the Executive. Lord

Morley approved of the measure but he has left it on record[1] that he was very unwilling to allow the Act to be introduced, but that his hands were forced. He was naturally anxious that the Reforms Scheme which he had prepared should be pushed through and he feared that if he did not give his sanction to the introduction of the Act, officials in India would obstruct the working of the new constitution. It is probable that he visualised the Act as a purely temporary measure. Not only the nature of the legislation itself but the manner in which it was administered was a constant source of complaint on the part of the Indian Press and modifications were pressed for and, in some quarters, its entire repeal was demanded.

With regard to the working of the Act and its effect on public opinion, we cannot do better than to refer to the criticisms of a judge whose duty it was to interpret the Act. Speaking in the Legislative Assembly some years later[2] Mr. T. V. Seshagiri Ayyar declared that there were various obnoxious features in the measure. The first was that it substituted the discretion of the Executive for the rights of publicity, audience and appeal. The second feature was that it specifically violated the first principle of jurisprudence by directing the accused to prove that he was innocent. Thirdly, that though an appeal was provided for, it had been pointed out both in the Calcutta and the Madras High Courts that the High Court had no power to question the discretion of the Executive. In addition, the Act had the effect of humiliating the intelligentsia since journalists were asked to furnish security, at the discretion of the Executive, before they could publish a newspaper. This was, said Mr. Seshagiri Ayyar, a humiliation to which no intelligent man would like to be subjected and consequently the Act had been the parent of considerable disaffection in the country.

We must now return to 1911. In August of that year Lord Hardinge (Lord Minto's successor) sent a secret despatch to the British Government recommending the formation of a Presidency Government for a re-united Bengal, a separate Lieutenant-Governorship for Bihar and Orissa, and the transfer of the Imperial capital from Calcutta to Delhi.

These measures were announced as a "boon" to the people of India by King George V at his Coronation Durbar at Delhi on December 12, 1911. "It is our earnest desire," he said, "that these changes may conduce to the better administration of India and

[1] See his *Recollections*.

[2] 22 February, 1921.

the greater prosperity and happiness of our beloved people." In some measure, these hopes were fulfilled though opinion was by no means unanimous on all of these proposals.

The first decade of the twentieth century saw Bombay succeed Calcutta as the centre of nationalist agitation. Sir Pherozeshah Mehta, Mr. Gokhale, Mr. Tilak, Sir Dinshaw Wacha, Mr. Dadabhai Naoroji had rallied round them the progressive spirits of the presidency. But, in spite of taking the prime place in politics, Bombay possessed no daily paper which could be used for the expression of the Indian viewpoint. At this time three English-owned newspapers existed in Bombay, the *Times of India*, the *Bombay Gazette* and the *Advocate of India*. Mr. Lovat Fraser was then editor of the *Times of India* and he conceived it to be his duty to oppose Sir Pherozeshah Mehta and to endeavour to prevent his re-election to the Bombay Municipality, of which authority Sir Pherozeshah was the dominating member.

The expression of Indian opinion was restricted to the columns of the *Kaiser-i-Hind*, a weekly Anglo-Gujerati paper, the *Oriental Review*, another weekly, which supported Sir Pherozeshah's civic and political activities, and the *Indu Prakash*, an Anglo-Marathi daily. It was clear to the band of nationalists, and to Sir Pherozeshah Mehta in particular, that an Indian-owned daily newspaper in English was an immediate necessity. In Madras there was the *Hindu*, in Calcutta, the *Amrita Bazar Patrika* and the *Bengalee*, in Allahabad, the *Leader* and in Lahore, the *Tribune*. Sir Pherozeshah had already founded an Indian Bank and had laid the foundations of a national Medical College. The establishment of an English daily newspaper was a further object which he greatly desired to see achieved.

Like all its predecessors, this new Bombay newspaper was only established after considerable labour and much disappointment. However, on March 3rd, 1913, the first copy of the *Bombay Chronicle* was on sale in the streets of the city. Ably guided by Sir Pherozeshah Mehta as Chairman and brilliantly edited by Mr. Benjamin Guy Horniman, it rapidly gained popularity amongst Indian readers. Mr. Horniman, who had served on the *Manchester Guardian* and later on the *Statesman* of Calcutta, was known for his vivid pen and his impartial judgment. During the protest in Calcutta over the Partition of Bengal, he had walked in the procession barefooted through the streets wearing Indian costume.

Sir C. Y. Chintamani, the distinguished editor of the *Leader* of

Allahabad, to whom the editorship of the *Bombay Chronicle* was first offered, has recorded the great services which Mr. Horniman rendered to the oppressed Indians of South Africa during their passive resistance campaign of 1913 and the fact that Mr. Gokhale specially mentioned the *Bombay Chronicle* and the *Leader* as the two papers which most helped him and Mr. Gandhi in the struggle. Sir C. Y. Chintamani has further recorded that Mr. Montagu, when Secretary of State for India, declared that the *Bombay Chronicle* was the most brilliantly written paper in India, all due to Mr. Horniman's talents. As Chintamani says, this tribute was all the more valuable, because Mr. Horniman was amongst the severe critics of Mr. Montagu's reforms scheme.[1] But there were to be striking developments in Indian politics before Mr. Montagu came on the scene.

Indian political thought was at this time largely concentrated on the position of Indians in South Africa. Many had settled down in that country after their term of service as indentured labourers had expired. In course of time, they were joined by Indian professional men and a self-contained community grew up. Outside their own circles, however, Indians were subjected to severe discrimination by other South African colonists, both British and Dutch. The formation of the Union of South Africa in 1909 vested authority in the Union Government and the British Government declared that they could not interfere with the rights of a self-governing colony. The history of Mr. Gandhi's passive resistance movement is well known. Naturally, the welfare of their brethren overseas was a constant preoccupation of the Indian Press and it was to this question that its columns were largely devoted when war was declared in Europe.

[1] *Bombay Chronicle*, Jubilee Number: 3 March, 1938.

CHAPTER FOURTEEN

CHRONOLOGICAL TABLE

1914 The Four-Year War; Defence of India Act.

1915 Mr. Gandhi returns to India from South Africa.

1916 Lord Chelmsford Viceroy; Home Rule League established.

1918 Central Publicity Bureau organised at Simla; Indian Press Delegation visits theatre of war; *Servant of India* founded; Four-Year War ends.

1919 Rowlatt Acts passed; Mr. Gandhi launches passive resistance movement; B. G. Horniman deported to England; the *Independent* of Allahabad founded.

CHAPTER FOURTEEN

THE FOUR-YEAR WAR

WITH the outbreak of war in Europe on August 4, 1914, there began a period of utmost anxiety for the Indian Press, no less than for the government. National aspirations, as we have seen, were already gathering considerable momentum. And now India was being asked to give her support to a war to defend the principle of self-determination; the very principle which she was, herself, seeking to establish in India. A struggle for such an ideal had been waging in the country for many generations and it was inevitable that, on being asked to commit herself to the cause overseas, India should be deeply concerned with her own internal situation.

In the opinion of the Anglo-Indian Press, nationalist activities should have given way to the necessities created by the emergency of war. On the part of the Indian Press, however, there was unanimity of feeling that the magnificent and spontaneous response which had been given by the Princes and peoples of India to the call for help and co-operation should be acknowledged by the British Government by according to India the same rights and liberties for which the Allies were fighting in Europe.

While some leaders trusted in the British Government, there were others who felt that India's claims should be pressed without delay. So the Home Rule movement was born. Inspired by Dr. Annie Besant, and supported by Tilak, a number of Home Rule Leagues were established and at the 1916 session of the Congress held at Lucknow in December, the Congress and the Muslim League came to an accord over a draft constitution designed to secure self-government. Mrs. Besant acquired control over the *Madras Standard* which she re-named *New India* and through the columns of which she and her followers persistently advocated a dominion constitution for India.

The country had never been more united. Mr. Gokhale and Sir Pherozeshah Mehta had passed away in 1915 and Dr. Besant and Mr. Tilak were the spearheads of the nationalist campaign. Just at this time (1916) Lord Chelmsford became Viceroy and he began his term of office by a pronouncement in Calcutta which was interpreted by Indian opinion as meaning that the Reforms

were to be indefinitely postponed. This only intensified nationalist agitation.

Apart from the anxiety connected with a correct determination of editorial policy, the Indian Press was faced with many practical difficulties. The cost of newsprint increased sevenfold and a number of papers had to enhance their prices. The *Times of India*, for example, which had in 1913 reduced its rate from four annas to one anna as a result of the establishment of the one anna *Bombay Chronicle*, had, during a part of the war, to raise it again to two annas.

Owing to the difficulty of getting supplies, machinery and other printing materials, newspaper management became extremely hazardous. But the main difficulty lay in the fact that news of all kinds, both foreign and national, was rigidly censored. In addition to the laws already on the statute book, namely Sections 124A and 153A of the Penal Code enacted in 1898, the Seditious Meetings Act and the Newspapers (Incitement to Offences) Act of 1908, the Press Act of 1910, and the Criminal Law Amendment Act of 1913, the Government had passed the Defence of India Act in 1914, to meet the emergency situation created by the war.

In May, 1916, the Government exacted a security of Rs. 2,000 from *New India*, Dr. Besant's organ, and the chief mouthpiece of the Home Rule agitation. This security was forfeited and a further amount of Rs. 10,000 was levied. Dr. Besant appealed to the Privy Council and thus prevented the Madras Government from forfeiting the security and the press. All political India was watching the struggle in Madras and Mr. Horniman, editor of the *Bombay Chronicle*, and Mr. N. C. Kelkar, editor of the *Mahratta*, went to Madras and offered help.[1] Becoming alarmed by the situation, the Government, on June 16, 1917, interned Mrs. Besant and her two chief followers, Dr. Arundale (now the President of the Theosophical Society) and Mr. Wadia. They were interned in Ootacamund for making speeches which the authorities calculated would lead to the outbreak of violence. But this action only led to an intensification of the Home Rule propaganda, which was still further increased by the publication of the Report of the Mesopotamia Commission. This Report provided new material for those who were criticising the administration and also increased the fear that the awaited pronouncement regarding India's place in the Empire would be still further delayed—the Report having recommended changes at the India Office. For three months the

[1] See *India: Bond or Free*, by Dr. Annie Besant, pp. 170–175.

agitation was unceasingly and bitterly maintained; fortunately the agitators preserved perfect order.

It has been said that "all constitutional experiments must in one sense sooner or later fail. If they are organic things they must be outgrown and superseded."[1] On August 20, Mr. E. S. Montagu (Secretary of State for India) made an important speech to the House of Commons which, it was hoped, would pave the way towards a further constitutional experiment which would be supported by all concerned. The most important passage ran:

> "The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have accordingly proposed, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the view of local Governments, and to receive with him the suggestions of representative bodies and others. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom the new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament."

The announcement received a mixed reception, the Moderates welcoming the declaration, while those with more advanced views expressed dissatisfaction at what they termed the vague phraseology. The latter wanted the Congress to follow a policy of passive resistance and desired that Mrs. Besant should be elected President as a protest against "bureaucratic repression." The Moderates were

[1] *Lord Minto*, by John Buchan, p. 323.

not willing to accept either proposal but, in the end, the desire to present a united front prevailed and she was elected.

As the war progressed, the Indian Press urged the repeal of the Press Act of 1910. In 1917 a deputation visited the Viceroy with this object, but he declined at that juncture to make any alteration in the Act. In August of the same year the Government of India consulted Local Governments as to the possibility of amending the Act, with particular reference to the wide scope of Section 4.

Various opinions were received from the Provincial Governments but, owing to the dangerous situation, it was thought inopportune at that moment, to take any action. Subsequently, another informal deputation from the press waited on the Home Member (Sir William Vincent) and the main points urged were that deposits of security should only be demanded in exceptional cases and that forfeiture of the security should only be made upon an order of the Court. The deputation was in favour of the total repeal of the Act, but failing that, they asked for the repeal of Section 4, the modification of certain other sections and a provision for appeals. The result of the interview was that the Home Member undertook to give the whole matter further careful consideration.

Following his announcement in the House of Commons, Mr. Montagu toured India, meeting representatives of all shades of public opinion. In the record of his impressions he refers to a conversation with Mr. Lionel Curtis and says "another subject that he raised with me was the English press in India, and its habit of vilifying the Indians. He wants them proceeded against."[1]

The war had reached a critical period. In March, 1918, the Government of India decided to set up a publicity organisation and Mr. Stanley Reed (now Sir Stanley Reed, M.P.), then the editor of the *Times of India*, was invited to Simla to advise the authorities. He became Honorary Vice-President of the Central Publicity Bureau for which services he was created a K.B.E.[2] Such were the origins of the present Bureau of Public Information which has for its object the maintenance of contacts between Government departments and the press.

The British Government then invited a deputation from the Indian Press to visit England and the theatres of war so that they might obtain first-hand information of the task before the Govern-

[1] *An Indian Diary*, by E. S. Montagu, p. 76.

[2] Sir Stanley Reed's editorship of the *Times of India* (1907–1923) was the longest unbroken editorship of any Anglo-Indian newspaper in India.

ment. The then editor of the *Hindu*, Mr. Kasturiranga Iyengar, was virtually the leader of the delegation. They visited the war zones but by the time they reached England, the armistice had been signed.

The Montagu-Chelmsford Report was published in the middle of 1918. In the words of Dr. Besant, "three views were taken in India, the basis of subsequent parties; the "Moderates" accepted it, but urged important amendments; the "Home Rulers" declined to accept them, and urged amendments; the "Extremists" declined them altogether."[1]

Towards the end of the war, on February 19, 1918, the weekly *Servant of India*, the organ of the Servants of India Society of Poona, made its first appearance. Published on the third anniversary of the death of Gokhale, the founder of the Society, the paper was edited by V. S. Srinivasa Sastri, the then President. The name of Gokhale, declared Mr. Sastri in the first issue of the paper,

> "stands for certain national aims and ideals, certain ways of thinking, and certain methods of public activity which have gained wide acceptance in the country outside the small circle of his regular followers. But they are in peril to-day of being lost to view in the vortex of popular ideas into which many streams of varying quality and colour are incessantly pouring their contents. Some use then there may be in an attempt to preserve the identity of Mr. Gokhale's teachings and draw guidance from them in the perplexities of public life. Many of his friends and associates are still actively engaged in useful spheres of work, and their co-operation is earnestly requested in this undertaking by those on whom, utterly unworthy though they be, the task of carrying on a great tradition has fallen."

The *Servant of India* continued its existence until 1939 and was ably edited by S. G. Vaze. It was neither wholeheartedly Congress nor pro-Federation, as adumbrated by the Government of India Act of 1935.

At the end of the war the Government of India, with the concurrence of the Secretary of State, again addressed Local Governments, putting before them all the arguments which had been used both for and against the repeal of the Press Act of 1910, and suggesting various courses of action. It was pointed out that with the termination of the war and the inauguration of the Reforms it was obviously necessary that the Government should

[1] *India: Bond or Free?* by Annie Besant, p. 188.

review the position and their attitude from a new aspect. When the replies from the Local Governments were received the question arose as to whether the Central Government should take action on the recommendations or not. After considering the matter, the Government decided that as the Reforms were just coming into operation it would be wrong for any action to be taken without consulting the new legislatures.

Just as moderate Indian public opinion was hoping that India's services in the war would be fittingly recognised, the Government passed the Rowlatt Acts in February, 1919, empowering Judges to try cases without juries in notified areas.

Provincial Governments were given powers of internment as a result of the alleged discovery of plots for the subversion of Government. Once again hopes were falsified, and the extreme elements in the national movement felt more than ever justified in taking drastic measures. Mr. Gandhi had returned from South Africa in 1915 and he was welcomed in his motherland as the successful leader of the Indian passive resistance movement in South Africa. Infuriated by the Rowlatt Acts, Indian opinion was ready to pursue the creed of passive resistance. In February, 1919, Mr. Gandhi launched his movement and then the Home Rule League split into two sections. Dr. Besant, though she demanded India's political freedom, felt that it was only by the co-operation of India and Britain that an ultimate clash between the East and the West could be averted. Passive resistance or *satyagraha*, she regarded as the token of an Indian demand for independence.

Both sections of the Home Rule League sent deputations to England in an attempt to influence the shape of the coming Reforms. However, in April, 1919, Mr. Gandhi suspended the non-cooperation movement as a result of an outbreak of violence. He would be untrue, he said, if he allowed any action of his to be used as an occasion for feeding violence, for embittering relations between the English and the Indians. Their *satyagraha* must, therefore, now consist in ceaselessly helping the authorities in all the ways available to think as *satyagrahis* and to restore order and to curb lawlessness.[1]

The political situation was extremely critical. At Jallianwala Bagh some hundreds of men, women and children had been killed and Martial Law had been proclaimed in the Punjab. It was some time before the press was aware of what had taken place, but when the news became known they expressed themselves in forceful

[1] *Speeches and Writings of Mahatma Gandhi*, p. 480.

language. The Government retaliated by taking steps under various laws. The *Hindu* of Madras was called upon to furnish security under the Press Act. The Defence of India Act was invoked in respect of the *Bombay Chronicle* and under its provisions Mr. Horniman, the editor, was deported to England.[1] Simultaneously an order was served on the directors, under the same Act, imposing a censorship on the *Bombay Chronicle*. A few days later the paper's security, deposited under the Press Act, was forfeited. As the censorship was regarded as intolerable, the space reserved for editorial comment was left blank and the censored portions of news matter were marked with asterisks. Seventeen days later the Government removed the censorship.

On August 1, 1919, the day on which Tilak died, Mr. Gandhi re-launched his non-cooperation movement with the object of gaining *swaraj*, assisting the Khilafat movement, and securing justice for the Punjab.

The Khilafat movement was led by the brothers, Mohammed and Shaukat Ali, as a protest against the treatment of the Khalif by Great Britain. Since the Lucknow session of the Congress in 1916, the Congress and the Muslim League had been working together and Mr. Gandhi's support brought a number of Muslims into the nationalist movement.

In the absence of Mr. Horniman, the *Bombay Chronicle* was edited by Mr. Marmaduke Pickthall, an English Muslim and sympathiser with the Turks. Mr. Syed Abdullah Brelvi, the present editor of the paper, was then joint editor.

Pundit Motilal Nehru then became associated with the *Bombay Chronicle*. He was conscious of the fact that his own province (the United Provinces) did not possess a daily newspaper expressing the advanced nationalist viewpoint. As his son, Pundit Jawaharlal Nehru, has recorded:

> "The Punjab happenings and the inquiry into them had a profound effect on father. His whole legal and constitutional foundations were shaken by them and his mind was gradually prepared for that change which was to come a year later. He had already moved far from his old moderate position. Dissatisfied with the leading Moderate newspaper, the *Leader* of Allahabad, he had started another daily, the *Independent*, from Allahabad early in 1919."[2]

[1] Mr. Horniman returned to India in 1926 and the Government took no action, despite the fact that he landed without leave.

[2] *Jawaharlal Nehru: An Autobiography*, p. 44.

This paper lived for four years.

As a leading member[1] of the Congress has said, political agitation had been waged on three planes, the physical (the Mutiny, or the Indian War of Independence, as he calls it), the intellectual (constitutional agitation by the Moderates), and the moral and spiritual (Mr. Gandhi's passive resistance movement).

[1] Dr. Pattabhi Seetaramayya.

CHAPTER FIFTEEN

CHRONOLOGICAL TABLE

1919 Montagu-Chelmsford Reforms.

1921 Prince of Wales visits India; Lord Reading Viceroy.

1922 Mr. Gandhi arrested; Press Act of 1910 repealed. Newspapers (Incitement to Offences Act) of 1908 repealed; Princes Protection Act certified by Viceroy.

1923 Success of Swarajists; *Hindustan Times* founded.

1924 First Labour Government in Great Britain; Indian efforts at political and communal unity.

1926 Lord Irwin Viceroy.

1927 Indian Statutory Commission appointed; *Free Press of India* started.

1928 Nehru Report.

CHAPTER FIFTEEN

DOMINION STATUS OR INDEPENDENCE

As we have seen, the Great War had profound repercussions in India—both materially and intellectually. With the development of her industries we are not concerned except insofar as a growth in prosperity and wider interests affected the press. On the intellectual side, it is now taken as a commonplace of history that India's part in the war and the issues involved (for example, the freedom of small nations) did more to bring about a national re-awakening than any event since the Russo-Japanese war, which resulted in the victory of an Eastern over a Western nation.

Perhaps the changes wrought by the war can most fairly be summed up by an extract from an official publication.

> "The moral effect of the war upon India has been most remarkable", recorded the writer of *India* 1917-18.[1] "Her rally to the Empire at the outbreak of hostilities was but the manifestation of a great wave of loyalty which swept over the country. The classes interested in politics realised, as never before, that India was part of the Empire, that her very existence was intimately bound up with the Empire's survival. To the first feeling of enthusiasm there succeeded a steady determination to discharge whatever obligations the war might place upon the country. This again was followed by a widespread pride in the success of India's war efforts and in the generous recognition accorded to them by the Mother Country and the Dominions. As a consequence of this development, the politically minded classes steadfastly set before their eyes the aim of asserting India's right to a place among the self-governing Dominions of the British Commonwealth. The ideal of responsible government within the Empire came to the front in political discussions as never before, and afforded a marked stimulus to constructive constitutional activities. At no time was there any symptom of a desire for the severance of the ties which bound India to the Mother Country. There was on the contrary a demand for the strengthening of these ties, combined with a fixed resolve that India's position within the Empire should not fall short of that which was deemed to be rightfully her due. Satisfaction was felt at the recognition of India's status in the

[1] pp. 25-7.

> Empire through her admission to the Imperial War Conference and the Imperial Cabinet. This satisfaction was strengthened by the admission of representatives of India among the Imperial delegates at the Peace Conference. The removal of certain standing grievances has also helped to stiffen the growing feeling of self-respect and pride in India's war achievements. The acceptance by the Dominions' representatives of the principle of reciprocity of treatment, the grant of King's Commissions to Indians, and other like developments have served at once to stimulate India's devotion to the Empire and to awaken her pride in her own growing national spirit. . . .
>
> On the whole, then, it may be said that both in the moral and in the material sphere, the war has acted as a great stimulus to India. It has broadened her outlook, it has deepened her interest in the Empire. It has aroused hundreds of people to a realisation of the problems lying outside their immediate environment. In short, it may well prove to be the beginning of a new era, not merely in the relations of India to the Empire, but also in the internal life of India herself."

Although the Montagu-Chelmsford Report had been published in July, 1918, legislation was not placed on the Statute Book until 1919 when King George V signified his assent to the Bill. In doing so, he issued a Royal Proclamation surveying the constitutional progress which had been made since the Act of 1773, and announcing that it was his intention to send his son, the Prince of Wales, to India to inaugurate the new Constitution and the Chamber of Princes (a duty eventually undertaken by the Duke of Connaught). King George also declared that he directed his Viceroy to exercise in his name and on his behalf his Royal clemency to political offenders in the fullest measure which, in the Viceroy's judgment, was compatible with public safety.

The Indian Press reflected the reactions of political parties to the proclamation. While the Anglo-Indian newspapers supported the Government's policy and the Moderates were willing to co-operate with the Government in making the Reforms a success, the Nationalists seized the opportunity to emphasize their dissatisfaction with the Reform scheme, which was condemned as disappointing and unsatisfactory.

The provisions of the Montagu-Chelmsford constitution, with its system of dyarchy, are well known. Briefly, it transferred authority over twenty subjects, including education, public health, agriculture, excise and so forth to Provincial Ministries, composed of Indian Ministers. The "Reserved Subjects," of which there

were thirty-six, including law and order, finance, water-supply, famine relief, were administered by the Governors with their Executive Councils of British and Indian Ministers.

At the Centre, the Governor-General was to be assisted by six Executive Councillors appointed by the Crown and they were to be in charge of Home Affairs, Finance, Education, Health and Lands, Law, Railways, Commerce and Ecclesiastical Affairs and Labour. The Central Legislature was to consist of an Upper and a Lower House. In the provinces, the Executives were responsible to elected legislatures insofar as the "Transferred Subjects" were concerned. It will be seen that the Cabinets were to consist of two halves—a system which Indian nationalist opinion thought could not but fail.

In the autumn of 1920 a special session of the Congress was held at Calcutta under the presidentship of Lala Lajpat Rai. It was here that Mr. Gandhi's programme of non-cooperation, which had been decided upon by the All India Congress Committee at Benares in the previous June, was discussed in an atmosphere of tense excitement.

One of the subjects which was agitating Nationalist opinion at that time was the absence of a recognised national language. Since then Mr. Gandhi has lost no opportunity of propagating his views on the necessity of the nation-wide teaching of Hindi. Many far-seeing thinkers, educationalists and politicians shared his anxiety that Hindi should be the medium of instruction in the schools. It was at this time that Shri Shivaprasad Gupta, the well-known millionaire philanthropist of Benares founded his Hindi paper, the *Aj*, at Benares on September 5, 1920. His ideal was that there should be a newspaper in Hindi as influential as the *Times* of London. No newspapers in an Indian language, probably, could be said to have accomplished this, but their influence is becoming daily more wide-spread. The experience of the founder of *Aj* may be taken as typical. As its policy was directed towards reaching the masses, the paper necessarily had to devote considerable space to educative matter. Also, owing to the poverty of the general public, the selling price had to be as low as half an anna. Moreover, until comparatively recently, advertisers of world known products held aloof from papers printed in Indian languages. It was not realised that they reached a purchasing public which had hitherto been untapped by the larger advertisers. And when attempts were eventually made to reach this public, the medium used was inappropriate; in fact it

was not until recent years that drawings accompanying advertisements have been of Indian men and women.

On the political side, some indication of the extent of nationalist ambitions can be gauged from the fact that the policy of *Aj* aimed at "striving for the complete independence of India by the spread of nationalism and the consolidation of the Indian peoples as a self-respecting, homogeneous whole, working for their goal by their own efforts." There was to be no dependence on the British Government but full advantage was to be taken of world forces and friendly contacts with other nations.

The year 1921–22 was eventful. The Prince of Wales undertook his long projected visit to India. In the view of the Indian-owned press it was a singularly inappropriate time for such a visit with which, in their opinion, there should be no co-operation on the part of Nationalists. Counter demonstrations of welcome and hostility took place at various points of the Prince's tour. In the meantime, the Ali brothers had been imprisoned and the Moderates were dismayed at the arrest of a number of highly respected citizens. This undermined their confidence in Lord Reading's policy. They therefore put their faith in a Round Table Conference, but the Viceroy made it clear that until the Non-Cooperation Party discontinued open breaches of the law, nothing could be done. And Mr. Gandhi, for his part, was unwilling to abandon his programme. In the spring of 1922, he was arrested and sentenced to six years simple imprisonment.

While the Nationalists, therefore, boycotted the legislatures, the Moderates worked the Reforms for what could be extracted from them. The Nationalists' agitation frequently led to violent disorder and Mr. Gandhi had occasion to lament that "with non-violence on our lips we have terrorised those who happened to differ from us." The Government, for its part, was anxious to gain as many supporters as possible. There was a body of opinion which did not sympathise with the extreme Nationalist methods and yet shrunk from co-operating with the Government on account of the many repressive measures which were then in force. The Government, therefore, decided to appoint committees composed of members of the Central Legislature to inquire into such acts as adversely affected the liberties of the individual.

One of the Committees, appointed on March 21, 1921, was charged with the examination of the Press and Registration of Books Act, 1867, The Indian Press Act, 1910, and the Newspapers (Incitement to Offences) Act, 1908. This Committee unanimously

reported that the last two acts should be repealed on the ground that they were emergency measures and that the political situation had undergone great changes since 1910. Incitement to murder and violent crime, they reported, were rarely found in the contemporary press, but they were not satisfied that the cessation was due solely or even mainly to the legislation, or that, in the existing conditions, the ordinary law was not adequate to deal with such offences. The Committee drew attention to the fact that most of the witnesses they examined expressed the view that the Press Act had not been applied with equal severity to English-owned and Indian-owned newspapers. It had been argued that the Act was required for the protection of Indian Princes who were apprehensive that disaffection in their territories might be disseminated through the press of British India. The Committee pointed out that the Act had only been used on three occasions for this purpose. It also emphasised that the Newspapers (Incitement to Offences) Act VII of 1908 had not been used for the last ten years. As we have already noted only nine prosecutions in all were instituted under this Act.

As for the Press and Registration of Books Act, amendments were recommended with the object of strengthening the responsibility of the press and preventing the dissemination of openly seditious literature.

At the Delhi session of the Central Legislature in 1922, the Newspapers (Incitement to Offences) Act of 1908, and the Press Act of 1910 were repealed, as well as twenty-three other Acts and Regulations supplementing the ordinary Criminal Law, including the Rowlatt Acts.

The Legislature found it unnecessary to recommend legislation for the protection of the Indian Princes. However, a meeting of the Chamber of Princes requested special protection for the Indian States, to replace that which had been taken from them by the repeal of the relevant provision in the Press Act. In the opinion of the Government, they were bound to accept this request on account of the treaties existing with the Indian States. Therefore, the Princes' Protection Bill was introduced. Feeling at this proposed measure ran very high throughout the country and the Indian-owned press vigorously condemned it. The Legislative Assembly reflected this opinion and refused leave for the introduction of the Bill. Whereupon, the Governor-General exercised the extraordinary powers vested in him by the Government of India Act and certified that the Bill was essential in the

interests of British India and recommended it to be passed in the form in which it was presented.

While the measure itself had been condemned, its enactment in the teeth of public opinion gave rise to some very bitter and hostile comment. It is noteworthy that the Bill provided the first occasion for the exercise of the Governor-General's power of certification.

With Mr. Gandhi in jail, an atmosphere of apathy hung over the national movement. It has been said that the educated classes were suffering from emotional exhaustion after the Non-Cooperation campaign—a state of affairs which was to be repeated in the course of years. For some time past doubts had been held by a number of Mr. Gandhi's followers regarding the efficacy of non-cooperation. Led by Pundit Motilal Nehru and Mr. C. R. Das, attempts were made from December, 1922, to convert the policy of the Congress into one of Council entry. At first the "No-changers" were victorious, but by September, 1923, the Swarajists (as the protagonists of Council entry came to be known) were successful. From his quarters in Yerowada jail, Mr. Gandhi approved of the modification in his boycott policy.

During the year when they were struggling for the acceptance of their viewpoint, the Swarajists were busy organising their party machine, including a party press. Amongst the papers which then came into existence was the *Hindustan Times* of Delhi, the first editor of which was Mr. K. M. Pannikar,[1] later a Minister in Patiala State.

The object of the Swarajist Party was declared to be the wrecking of the machinery of the Councils from within, as distinct from an assault on the constitution from without—such as the non-cooperation movement had been. At the 1923 elections the Liberals who had worked the Reforms since their inception were largely displaced by the new Swarajist Party members. In the Central Provinces, they obtained a clear majority, and in Bengal, Bombay and the United Provinces, where they did not represent a majority, they were the largest party. In the Central Legislature they captured rather less than half of the elected seats.

Since 1916 Hindu and Muslim leaders had been working together in comparative harmony. In the first half of 1923, however, there were serious communal riots in various parts of Northern India. The transfer of political power and the extension

[1] Author of *Indian States and the Government of India* and (with Sir K. N. Haksar) of *Federal India.*

of the policy of Indianisation of the Services, provided causes of dissension and the result was an intensification of the work of communal organisations. At this period the Hindu Mahasabha wielded considerable influence over Hindu opinion and a similar drive was made by the organisations of the Muslim community.

Soon after, early in 1924, the first Labour Government in Great Britain came into office—if not into power. As the Labour Party had frequently in the past expressed its adherence to the principles of self-determination, the Liberals had every reason to hope that their policy of co-operation would now be vindicated. In consequence, they were unwilling to take any action which might be construed as embarrassing to His Majesty's Government. They urged the early appointment of a Royal Commission to revise the existing constitution, on the ground that the rate of advance had been too slow. Provision had been made for a Commission to examine the situation afresh after ten years' experience of the Montagu-Chelmsford Constitution; that is to say, in 1929.

Broadly speaking, political opinion at this time was divided as follows. On the extreme left were the "No-changers" led by Mr. Gandhi, whose uncompromising attitude had been somewhat modified, the Swarajists led by Pundit Motilal Nehru and Mr. C. R. Das, the Muslims, led by Mr. M. A. Jinnah and Mr. Mohammed Ali, and the Liberals and Moderates, led by Dr. Besant and others.

The outstanding political move during the year 1924 was the attempt to bring the various parties together to find some solution of the prevailing political and communal unrest. A Unity Conference, attended by members of all communities, met in Delhi in September and passed resolutions condemning those who took the law into their own hands and proclaiming that all differences should be referred to arbitration and failing that, to the courts. While the Conference did achieve greater unity than had hitherto been possible, it also betrayed a strong difference of opinion on the part of those belonging to different schools of thought. Then, once again, an executive action on the part of the Government provided just that impetus necessary to weld the various groups. On October 25 Lord Reading published Ordinance No. 1 of 1924, establishing a summary procedure of arrest and trial before Special Commissioners of persons whom the Bengal Government were satisfied belonged to associations whose object was revolutionary crime.

Undoubtedly, revolutionary activities in Bengal were a serious menace to the administration and the Bengal Ordinance was designed to enable the authorities to take summary action. The bulk of the Indian Press unreservedly condemned the measure. Dr. Besant was of the opinion that, in the existing circumstances, it was a regrettable necessity. With the Ordinance as the chief object of attack, Mr. Gandhi, Mr. C. R. Das and Pundit Motilal Nehru made an appeal to the nation recommending the Congress to suspend the non-cooperation programme except in so far as it related to the refusal to wear cloth not made in India and to authorise the Swarajist Party to carry on work in the legislature on behalf of the Congress and as an integral part of the Congress organisation. All sections of the Congress were enjoined to encourage the use of homespun cloth, to promote Hindu-Muslim unity, and to remove untouchability.

Differences between the Swarajists and the Non-Cooperators having been settled, an All Parties Leaders' Conference was convened in November with the hope that it would be possible to find a basis on which the parties might unite for the achievement of self-government. The only point on which the Conference showed an effective agreement was in its condemnation of the promulgation of the Bengal Ordinance. Committees were appointed to consider the best way of re-uniting all political parties in the Congress and to prepare a scheme of *Swaraj*, including a solution of the communal question. The sub-committee appointed to examine the communal question was unable to arrive at an agreement, while the Constitutional Sub-Committee recommended certain amendments in the Commonwealth of India Bill which had been drawn up by Dr. Besant and her colleagues.

In the meantime, the Swarajist majorities in the Central Provinces and Bengal had rendered the Montagu-Chelmsford constitution inoperative, and the Governors in those provinces were utilising their special powers. In the Central Legislature, members of the Swarajist Party served on Select Committees and they co-operated in the passage of certain legislation (for example, the Steel Industry Protection Act, the first measure taken towards the adoption of protection). In April, 1925, a Convention which met at Cawnpore, under the chairmanship of Sir Tej Bahadur Sapru, adopted Dr. Besant's Commonwealth of India Bill.

Two events in the following year had an important bearing on the development of the press. One of these was the inauguration of the Government's beam wireless system of communication

between Rugby and Kirkee. By this system, press telegrams were dispatched at a rate somewhat lower than that of the cable company, but in course of time the Government made this service over to Imperial and International Communications (the successor of the Marconi Company) and the rates for both wireless and cable transmission were made uniform. The increasing interest in wireless led to the formation of the Indian Broadcasting Company.

Another event which was to have far-reaching consequences, was the flight of Sir Samuel Hoare (then Secretary of State for Air) from London to Karachi in sixty-three flying hours. This flight, terminating on January 5, 1927, inaugurated the Egypt to India air service. In course of time, this air service became a weekly, then bi-weekly until now it is almost a daily service.

About this time the British Government came to the conclusion that it was desirable to supplement existing sources of news by a regular official service. Messages were to be transmitted by wireless and the service, which was first mooted in 1918, was known as British Official Wireless. The material was compiled by the British Foreign Office and relayed from Rugby. In India, the distribution is in the hands of Reuter. This "copy" is made available to all newspapers at a nominal charge to cover the cost of distribution. Some of the smaller papers printed in English rely almost exclusively on this service, though it does not aim at being comprehensive; rather it amplifies news of an official or semi-official nature.

On March 8, 1926, the whole of the Swarajist Party walked out of the Central Legislative Assembly after Pundit Motilal Nehru had made a short speech in which he declared that the Swarajists had co-operated with the Government and had helped to work the Reforms for two and a half years but in return had received nothing but humiliation. This demonstration led to divided opinions and the press reflected divergent views.

It was at this time that the Government introduced the Currency Bill, to give effect to one of the proposals of the Royal Commission on Indian Currency whose report had been published during the first week of August. The proposal was to stabilise the rupee at a 1-6d. parity. Affecting, as it did, the economic structure of India, those sections of the press influenced by mercantile interests urged that the Bill should be opposed with every weapon at the disposal of the Nationalists. Accordingly, when the Bill was discussed on August 23, the Swarajists returned to the Legislative Assembly. The House, as it happened, decided to circulate the

Bill for opinion, whereupon the Swarajists again left the Assembly.

With the ever expanding interest in public affairs, it became clear to a number of leaders, including Dr. Besant, Mr. M. R. Jayakar, Sir Purshotamdas Thakurdas, Mr. G. D. Birla, Sir Phiroze Sethna, Mr. Walchand Hirachand and others, that unless there were some news-distributing organisation, the policy of which was more in harmony with their views than that of existing agencies, their opinions might largely go by default. We have seen how the *Associated Press* became an associate of *Reuter's*. The fact that *Reuter's* News Agency and the *Associated Press* were in receipt of sums of money for the supply of news to Government officers, had the effect of withholding nationalist confidence in the impartiality of that organisation. Consequently it was decided to establish a nationalist news agency, which became known as the *Free Press of India*, with Mr. S. Sadanand as managing editor. The Government's Currency Bill provided the first important controversial news which this agency handled. Through its correspondents throughout India it was able to give wide publicity to the views of those who were hostile to the measure.

In the political sphere an apparent atmosphere of stagnation was accounted for by the fact that all India was awaiting the Government's announcements regarding the Parliamentary Commission which was to examine the working of the Montagu-Chelmsford Reforms. The announcement regarding the setting up of a Statutory Commission was duly made on November 8, 1927. It led to an immediate outcry, as the personnel of the Commission was restricted to members of the British Parliament. Advanced Nationalist opinion, however, was less disappointed than that of the Moderates. While the former had been saying for the last two years that only a Round Table Conference between representatives of the British Government and representatives of political India would meet their demands, the Liberals had been expecting some acknowledgment of their spirited co-operation and they felt that the exclusion of Indians from the Commission was tantamount to an insult to India's self-respect.

Sir John Simon, as is well known, was appointed Chairman of the Commission. Lord Birkenhead who had been Secretary of State for India for some years, said in the House of Lords that:

> "It was suggested, and is being suggested still, that we ought to have associated Indians with the Commissioners in order not to inflict a supposed affront upon Indian susceptibilities. That consideration deserves the most careful attention, and, indeed,

I may make it quite plain that I have given it for a period of three years my almost unbroken attention. I have considered it from every angle; there is no argument which can be put forward in its support which I have not already, to the best measure of my capacity, examined. The question whether I am right or wrong cannot be answered without deciding what is the true function of this Commission. The function of the Commission is a simple one. It is to report to Parliament. When once the Commissioners have reported, they are *functi officio*. The task then belongs to others."

The Congress at its Lahore session not only declared that the Commission should be boycotted at every stage and in every form but that mass demonstrations should be organised throughout India, that vigorous propaganda should be carried on to make the boycott effective and successful, and that elected members of all legislative bodies should refuse to help the Commission and should abstain from attending meetings of legislatures except for certain specific purposes, such as opposing any measure detrimental to the interests of India. An overwhelming majority of the Indian-owned press wholeheartedly supported this policy. But more far-reaching was the adoption of a resolution declaring that the goal of the Indian people was complete national independence; this resolution was moved by Pundit Jawaharlal Nehru. Hitherto, the object of the Congress had been the attainment of dominion status and the independence resolution was adopted after considerable discussion. Moreover the press was by no means unanimous in its approval of the new goal which the Congress had set itself.

The Liberals also decided to boycott the Commission. Presiding at their annual meeting in Bombay, Sir Tej Bahadur Sapru said that the Liberal Party must repudiate not only the Commission but the entire spirit in which the question of India's further advance had been approached by Parliament. The delegates passed a resolution declaring their opinion that the constitution of the Commission was unacceptable, because it denied the right of the Indian people to participate on equal terms in framing the future constitution of their country, and they recommended that the legislative bodies and the public throughout the country should have nothing to do with the Commission.

The Muslims were divided. They had elected as their president for the forthcoming session of the Muslim League, Sir Muhammed Shafi, formerly Law Member of the Viceroy's Executive Council. Mr. Jinnah had already declared in favour of a boycott and he and

his followers were unwilling that the session should take place in Lahore, Sir Muhammed Shafi's stronghold. As a result of this difference of opinion, the latter and his supporters met at Lahore and Mr. Jinnah and his followers met in Calcutta, under the presidentship of Maulvi (now Sir) Muhammed Yakub, then the Deputy President of the Legislative Assembly.

The Calcutta meeting resolved to boycott the Simon Commission whereas the Lahore session passed a resolution inviting the co-operation of all non-Muslim communities to support the Muslim League with a view to preparing a joint draft constitution for India for presentation to the Statutory Commission or the British Parliament.

Those who were willing to co-operate with the Commission, some of them however with reservations, were the Justice Party (non-Brahmins) in Madras, the Depressed Classes, the Responsivists (the members of the Swarajist Party who had declined to be absorbed in the Congress), certain Liberals, a section of the Muslims and a section of the Sikhs.

The boycotters organised demonstrations in the cities visited by the Commission. Such was the hostility of the bulk of Indian opinion, that Sir John Simon considered it necessary to make some proposal which would "clear the air." Consequently, he proposed that the Commission should take the form of a Joint Free Conference over which he would preside and which would consist of the seven British Commissioners and a corresponding body of representatives chosen by the Indian Legislatures, just as the British members had been chosen by Parliament. The Indian part of the Conference was to consist, when Central subjects were being discussed, of the Joint Committee of the Central Legislature, and when provincial subjects were being discussed, of a Committee chosen from the Council of the province concerned, some members of the Joint Committee of the Central Legislature being allowed to be present at the provincial sittings.

Sir John Simon explained that he and his colleagues put forward the proposals not only because they would welcome assistance from members of the Indian legislatures, but because they thought it only wise and fair, and in the truest interests of India and Great Britain alike, that opportunities should be provided for the memoranda and testimony referred to the Commission to be scrutinised and, if necessary, elucidated by the Indian side on free and equal terms.

While the Report which the Commission was to draft would

include "a faithful account of the opinions and aspirations prevalent in India and of the concrete proposals for constitutional reform" so far as they were put before them, it was to be the work of the British Commissioners alone. The Indian members of the Joint Committee were to report their conclusions to the Central Legislature. The new procedure proposed by Sir John Simon met with little response in political circles. As a statement made by some prominent members of the Assembly declared, their objections to the Commission as constituted, and the scheme as announced, were based on principles which remained unaffected. The issue was discussed in the Legislative Assembly and a resolution declaring that the constitution and scheme of the Statutory Commission were wholly unacceptable to the House, and that the Legislative Assembly would have nothing to do with the Commission at any stage or in any form, was carried by a majority of six votes. Just as the resolution was debated, a reporter of the Nationalist daily newspaper in Delhi dropped an attaché case from the press gallery and partially stunned Sir Basil Blackett, the Finance Member. This incident caused some excitement in the Nationalist press.

In the summer of 1927, after the formation of the Statutory Commission, a book, *Mother India*, had been published by an American authoress, Miss Katherine Mayo. This work dealt with child marriage and allied social topics. The writer dwelt almost exclusively on the unsavoury aspects of certain Indian customs and thereby roused the entire Indian Press, which condemned her work as a scandalous libel. As Miss Mayo had documented her book with certain facts and figures at the disposal of officials only, it was alleged that she had been given special facilities, with the object of degrading India in the eyes of the world and prejudicing her case for self-government. The controversy was maintained not only in the Indian but in the British Press and the book, partly on account of its treatment of salacious matter in a popular style, gained a wide circulation throughout the world. Although the Home Member of the Government of India denied, in answer to questions in the Legislative Assembly, that the Government of India and the India Office had any connection with the production of the book and had extended to the writer no greater facilities than are usually extended to students of social, economic, political and other subjects, whether Indians or foreigners who can present satisfactory credentials, the popular belief that there had been a motive behind the book persisted.

Notwithstanding the obvious desirability of unity, Hindu-Muslim relations continued to be difficult. Agitation was being maintained throughout the Punjab over a pamphlet, which had been published three years previously by a Hindu, casting aspersions on the character of the Prophet Mohammed. The author had been prosecuted under Section 153A of the Indian Penal Code which, as we have seen, penalises any action committed with the intention of promoting or attempting to promote feelings of enmity or hatred between different classes of His Majesty's subjects. The litigation was prolonged because the Sessions Court reduced the eighteen months' sentence of imprisonment to six months, and subsequently the High Court of the Punjab acquitted the author. Within a few days of the pronouncement of this judgment, another alleged attack on the Prophet Mohammed was published at Amritsar. In view, therefore, of the ensuing intensification of Hindu-Muslim feelings in the Punjab and the different interpretations of the law, it was decided to transfer the hearing of this second offence to a division bench of the High Court. This bench held that such an attack on the founder of Islam would *prima facie* fall under Section 153A of the Penal Code and the accused would duly be sentenced.

Experience had proved that Section 153A of the Penal Code was capable of more than one interpretation. Any criticism or attack on any religion might be construed as an "attempt to promote feelings of enmity and hatred between different classes of His Majesty's subjects." It might be argued that this was not the intention of an author and if a wide interpretation could be put on this Section, its effect might be to impose unnecessary and dangerous impediments on the free expression of thought and speech in legitimate enquiry and discussion. Therefore, the Government decided that it was necessary to amend the Act and the Criminal Law Amendment Act was eventually passed.

The Select Committee of the Assembly set up to examine the proposed measure modified the operative clause of the Bill so that it read as follows:

> "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, or by visible representations, insults or attempts to insult religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both."

Most Hindu members of the Assembly were not convinced that the proposed amendment of the law was imperative, but it was felt that it might contribute towards the appeasement of public opinion and therefore should be accepted. Mohammedan members, on the other hand, remembering the recent attacks on the founder of their religion, wanted to safeguard themselves from any repetition of these episodes. A member of their party moved an amendment to make the offence contained in the Bill non-bailable. On the Bill being put to the vote, sixty-one members voted in favour and twenty-six against the measure.

In the meantime, information from India was taking a more important place in world news. Political opinion in England was undoubtedly dismayed by the extent of the boycott of the Statutory Commission. It was not, however, sufficiently moved to cause the mistake which had been made to be undone. There were many who were interested in the welfare of India and Britain who deplored the deterioration in relations, the more so as the Proceedings of the Reforms Committee, presided over by Sir Alexander Muddiman, seemed to indicate that agreement was not impossible of achievement. The Viceroy (Lord Irwin, later Viscount Halifax) sought to reassure Indian opinion by admitting that the wisdom or unwisdom of excluding Indians was a question on which every man was entitled to his own opinion. "But," he said, "what no man is entitled to say—for it is simply not true—is that His Majesty's Government sought to offer a deliberate affront to Indian honour and Indian pride." He declared that whether Indian assistance was offered or withheld, the enquiry would proceed, and the report would be presented to Parliament and on such report Parliament would take whatever action it deemed proper.

The political situation was rapidly deteriorating from the point of view of the administration. While Sir John Simon and his colleagues were formulating their conclusions, the bulk of Indian opinion was standing aside, affronted and deeply suspicious of the Government's intentions. But there was a further aspect of the situation which alarmed the authorities. That was the growth of communist propaganda among the industrial classes in large towns. In the course of the previous year there had been about two hundred and three strikes, involving over half a million people, as compared with a hundred and twenty-nine strikes in the former year. In nearly one-third of the strikes the workers succeeded in obtaining concessions.

It will be recalled that at this time the view was widely held that the Communist International of the Union of Socialist Soviet Republics was assisting communist agitators in other countries. The Government had information at its disposal which made them apprehensive of the influence of communist politicians, if their activities were allowed to proceed unchecked. In the autumn session of 1928, therefore, a Public Safety Bill was introduced in the Legislative Assembly with the object of permitting the Governor-General to deport from India any British or foreign communist agents who might be found to be seeking to overthrow the system of Government established in British India.

This Bill was amended by a Select Committee and, in its amended form, was put before the Assembly. The motion that the Bill be taken into consideration was however rejected, the President (Mr. Vithalbhai Patel) having given his casting vote against the motion.

A further attempt on the part of the Government to introduce a revised bill in the Legislature was fruitless as the President held the view that it was against the rules of business of the House that any question should be asked or any resolution moved in regard to any matter which was under adjudication by a court of law having jurisdiction in any part of His Majesty's dominions. This was an allusion to the "Meerut Case" to which reference will be made later.

The authorities were convinced that the situation had deteriorated and as evidence of this they cited the outrage which took place in the Legislative Assembly at Delhi when a bomb was thrown from the gallery on to the floor of the House. As a result of the inquiry into the outrage, a conspiracy, which became known as the Lahore Conspiracy Case, was discovered.

In consequence of these events, the Viceroy addressed members of both Houses and after discussing the various issues arising out of the bomb outrage, he recognised that the only appropriate person to interpret within either House of the Legislature the rules under which it worked was the President of the House himself. Meanwhile, however, the responsibility for protecting the foundations of the State rested upon the Executive Government of which he was the head. Speaking with full knowledge of much that could not necessarily then be publicly disclosed, he said that he conceived that it had become imperative for the Government to obtain the powers proposed in the Public Safety Bill without further delay. He had accordingly decided to avail

himself of the authority conferred upon the Governor-General under Section 72 of the Government of India Act, and to issue an Ordinance, giving to the Governor-General in Council the powers in question.

Between the New Year and the date of the promulgation of the Ordinance, thirty-one persons had been arrested on a charge of conspiracy to deprive His Majesty the King Emperor of his sovereignty of India. This was the trial to which Mr. Vithalbhai Patel had alluded. Among those who were arrested were a British journalist, Mr. Lester Hutchinson, who had edited a political periodical in Bombay, named *The New Spark*, and Mr. M. G. Desai, the former editor of *The Spark*—the parent of *The New Spark*—papers devoted to trade union matters. Another journalist accused was Mr. Kishore Lal Ghosh of the Calcutta bar.[1]

In the meantime responsible Indian politicians were not slow in their desire to answer the challenge thrown out by Lord Birkenhead at the time of the announcement of the Simon Commission. The then Secretary of State for India had said that in the three years during which he had held the office, he had twice invited critics in India to put forward their own suggestions for a constitution, and that this offer was still open. Efforts were made in different quarters to devise an agreed scheme and in August, 1928, a report was published signed by eight leaders including Pundit Motilal Nehru, as leader of the Congress Party, Sir Tej Bahadur Sapru, leader of the Liberals, and Sir Ali Imam, formerly a member of the Governor-General's Executive Council. The All Parties' Report, which became known as the Nehru Report, was substantially supported by Moderate opinion. Pundit Jawaharlal Nehru, however, has recorded that he and his father disagreed over its findings as he (Jawaharlal Nehru) was not prepared to compromise on the Independence issue[2].

Pundit Motilal Nehru made it known that if he could not secure a majority for the resolution in favour of the All Parties' Report, at the forthcoming session of the Congress in Calcutta, he would refuse to preside. As it happened, the resolution was finally adopted but it was intimated by the Congress that if the British Government did not agree to that constitution within a year, the Congress would revert to the goal of Independence. Pundit Jawaharlal Nehru has said:

"It was an offer of a year's grace and a polite ultimatum. The

[1] See *Conspiracy at Meerut*, by Lester Hutchinson.
[2] *Jawaharlal Nehru: An Autobiography*, pp. 184–186.

resolution was no doubt a come-down from the ideal of independence, for the All Parties' Report did not even ask for full Dominion Status. And yet it was probably a wise resolution in the sense that it prevented a split when no one was ready for it, and kept the Congress together for the struggle that began in 1930. It was clear enough that the British Government were not going to accept the All Parties' Constitution within a year. The struggle was inevitable and, as matters stood in the country, no such struggle could be at all effective without Gandhiji's lead."[1]

Gradually, the supporters of the All Parties' Report began to secede. Disappointed that certain demands which they had put forward were not agreed to, the section of the Muslims led by Mr. Jinnah—which had hitherto upheld the Report—withdrew their support. The majority of the Muslims were thus in opposition. This development resulted in the Hindu Mahasabha (the Hindu communal organisation) declaring that since the Muslim leaders had refused to accept the Report, the Mahasabha had now reverted to its original position, which was one of opposition to special treatment in any matter to any community. This was a reference to the provisions in the Report granting concessions to the Muslims in the matter of extra representation in the Legislatures and cabinets where the community was in a minority.

Thus the Nehru Report lost its importance, although Pundit Motilal Nehru and his followers still urged that a Round Table Conference between representatives of the British Government and of political India should meet to discuss the ways and means of implementing the reforms demanded in the Report.

[1] *Jawaharlal Nehru: An Autobiography*, p. 186.

CHAPTER SIXTEEN

CHRONOLOGICAL TABLE

1929 Second Labour Government; Round Table Conference proposed.

1930 Mr. Gandhi launches Civil Disobedience Movement; Indian Press Ordinance and other Ordinances promulgated; *Free Press Journal* founded; first Round Table Conference.

1931 Irwin-Gandhi Agreement; certain Ordinances repealed; Lord Willingdon Viceroy; Second Round Table Conference; Indian Press (Emergency Powers) Act.

1932 Foreign Relations Act; Bengal Ordinance.

CHAPTER SIXTEEN

TOWARDS PROVINCIAL AUTONOMY

IN May, 1929, a Labour Government succeeded the Conservative administration and Mr. Wedgwood Benn became Secretary of State for India. The Labour Party was profoundly perturbed by the *impasse* in India and personal consultations with the Viceroy were considered imperative. As a result of this conviction, Lord Irwin left for England. Naturally, his return to India was eagerly awaited in political circles and by the press since it was known that he was desirous of ensuring a greater degree of co-operation from Indian politicians before Parliament was asked to pronounce upon whatever scheme of reforms might be recommended by the Simon Commission. The Viceroy's announcement, in a *Gazette Extraordinary*, on October 31, had the effect of electrifying the political situation.

The Viceroy prefaced the proposals by saying that he had had prolonged consultations with His Majesty's Government. As the Simon Commission was now at work on its report it would be improper, until that report had been laid before Parliament, to forecast the nature of any constitutional changes that might subsequently be proposed. Sir John Simon and his colleagues, he said, had been greatly impressed in considering the direction which the future constitutional development of India was likely to take, with the importance of bearing in mind the relations which might, at some future time, develop between British India and the Indian States. In the judgment of the Chairman of the Commission, it was essential that the methods by which the future relations between these constituent parts of greater India might be adjusted, should be fully examined. It was therefore proposed that, after the reports of the Statutory Commission and the Indian Central Committee had been made, considered and published, but before the Joint Parliamentary Committee stage had been reached, a Conference should be convened in which His Majesty's Government would meet representatives both of British India and of the States for the purpose of seeking the greatest possible measure of agreement for the final proposals which would later be put to His Majesty's Government to be submitted to Parliament.

Referring to the doubts which had been expressed both in

Great Britain and in India, regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, Lord Irwin said that he was authorised on behalf of His Majesty's Government to state clearly that in their judgment it was implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, was the attainment of Dominion Status.

It should be mentioned at this stage that the British Press was not without influence on the development of opinion in India. Scathing references to Indian capabilities and an emphasis on the achievements of the British in India, which made no concessions to the Indian point of view, were given prominence in the reactionary section of the British Press. This attitude only served to stiffen Indian resistance—a fact well known to the administration in India. Indeed, from this period there began a struggle in British political circles between those who were convinced that the situation demanded the utmost concessions consistent with security and those who advocated a return to "strong Government." Mr. Ramsay MacDonald was Prime Minister at this time but Lord Baldwin, who was to succeed him, was leading the "advanced" section of the Conservatives and his leadership, during a critical period, had an important bearing on Indian history. The ultra-Conservative group, subsequently known as the "Diehards," were led by Lord Salisbury, Mr. Winston Churchill and Lord Lloyd.

On the day following the publication of the *Gazette Extraordinary*, announcing the Government's intention to hold a Conference with representatives of the Indian States and British India, two important meetings of leading politicians were held, one in Delhi and the other in Bombay. After considerable discussion the leaders in Delhi issued a manifesto expressing the hope that they would be able to tender their co-operation to His Majesty's Government, but that certain things should be done (including an amnesty for political prisoners) and certain points should be cleared, to inspire trust and ensure the co-operation of the principal political organisations of the country. This statement seemed to indicate that nationalist opinion would give a sympathetic response to the Government's invitation. Meanwhile, the Liberals, the Hindu Mahasabha, the Muslims, the non-Brahmins, and the Europeans agreed that the offer was one which should be accepted.

At the end of December it was made known to the Viceroy that

a number of leaders wished to discuss certain points arising out of the Delhi manifesto. Accordingly, he received Mr. Gandhi, Pundit Motilal Nehru, Mr. Vithalbhai Patel, Sir Tej Bahadur Sapru and Mr. Jinnah. Mr. Gandhi and Pundit Motilal Nehru made it a condition precedent for Congress participation in the proposed Conference that its functions should be specifically restricted to working out a form of Government for India equivalent to full and immediate Dominion Status. This demand was discussed for two and a half hours and, agreement being impossible, the interview came to an end. The Viceroy based his attitude on the constitutional position which was that it was not feasible to lay down at that stage what the Conference should or should not discuss, since the Statutory Commission had yet to report to Parliament and it would not have been proper to anticipate either the Statutory Commission's recommendations or Parliament's decisions.

Shortly afterwards the Congress held its annual session at Lahore and though opinion was not at first unanimous regarding the appropriate attitude to the London Conference, a resolution refusing participation was eventually passed without dissent. Though long, the resolution is given here in full because of its influence on future events:

> "This Congress endorses the action of the Working Committee in connection with the manifesto signed by party leaders, including Congressmen, on the Viceregal pronouncement of the 31st of October relating to Dominion Status, and appreciates the efforts of the Viceroy towards a settlement of the national movement for *Swaraj*. The Congress, however, having considered all that has since happened, and the result of the meeting between Mahatma Gandhi, Pundit Motilal Nehru and other leaders and the Viceroy, is of opinion that nothing is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference. This Congress therefore in pursuance of the resolution passed at its session at Calcutta last year, declares that the word 'Swaraj' in Article I of the Congress constitution shall mean complete independence, and further declares the entire scheme of the Nehru Committee Report to have lapsed, and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of complete independence for India, as a preliminary step towards organizing a campaign for Independence; and in order to make the Congress policy as consistent as possible with the change of creed, this Congress resolves upon a complete boycott of the central and provincial legislatures and

committees constituted by Government and calls upon Congressmen and others taking part in the national movement to abstain from participating directly or indirectly in future elections and directs the present Congress members of the legislatures and committees to resign their seats. This Congress appeals to the nation zealously to prosecute the constructive programme of the Congress, and authorizes the All-India Congress Committee, whenever it deems fit, to launch upon a programme of civil disobedience including non-payment of taxes, whether in selected areas or otherwise, and under such safeguards as it may consider necessary."

Although overshadowed by the main business before the Congress at this session, interest was also taken in the dispute between Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta. The former, through the columns of *Liberty*—later *Forward*, and the latter, through the columns of *Advance*, had been competing for the leadership of the Congress organisation in Bengal; a rivalry which came to an end with Mr. Sen Gupta's death in 1933.

The Liberals also considered the Government's invitation at the annual meeting of the All-India Liberal Federation, which took place in Madras under the chairmanship of Sir Phiroze Sethna, and a long resolution was passed accepting the invitation to the Round Table Conference. The main resolution passed by the Federation pointed out that recent debates in the House of Lords and the House of Commons had, unfortunately, given rise to a great deal of misunderstanding with regard to the meaning, effect, purpose, and scope of British policy. Nevertheless, those of the Liberals who realised the political conditions surrounding the Labour Government in England were disposed to attach far greater significance and weight to the authoritative statements made by His Majesty's Government through the Secretary of State in England and the Viceroy in India, than to the critics in Parliament or in the English Press. This reference to the English Press was in connection with the "Diehard" section which had grown in volume since the publication of the Government's Round Table Conference proposals. Doubt was cast on the interpretation to be attached to the Montagu declaration of 1917, and notwithstanding the Viceroy's assurance on this point, the "Diehards" continued to draw attention to its vagueness—and thus undermined Indian confidence in the Government's professed intention.

The Liberals made it clear that if the Indian delegates could

secure agreement before leaving for London, their representatives at the Round Table Conference would be able to press with every hope of success for the establishment of complete Dominion Status. They affirmed that those who believed in the peaceful evolution of India could not but deplore that any section of the people should raise the cry of independence and involve the country's future in turmoil and confusion. They believed that the Labour Government and Lord Irwin were in real earnest in seeking an acceptable solution of the constitutional problem and they declared that they would be guilty of utter short-sightedness and lack of statesmanship if they failed to realise the opportunity that had been extended. The Liberals, therefore, appealed to the parties who believed in Dominion Status to join hands in the attempt to come to an agreement before the Round Table Conference met in London.

The Indian Press was divided into two sections. On the one hand, the Congress organs wholeheartedly supported the boycott policy. On the other, the Anglo-Indian Press, the Liberal Press (chiefly the *Leader* of Allahabad) and the Non-Brahmin Party Press (*Justice*, in Madras) supported the move for co-operation. The former section were asking "What next?" Mr. Gandhi had recently cast doubts on India's fitness for civil disobedience, although a resolution passed at Lahore had authorised the All-India Congress Committee to launch on a programme of civil disobedience including non-payment of taxes, whenever it thought fit.

Doubts as to future Congress action were dispelled on March 12, when Mr. Gandhi formally inaugurated the civil disobedience movement by setting out in a procession from Ahmedabad to the sea at Dandi to break the salt laws, which had long been a source of agitation.

The country was immediately plunged into turmoil. Thousands of Congress men and women joined in the campaign of civil disobedience and broke the law by making salt. In addition to the Congress volunteers who actively participated in the movement, there were numerous sympathisers throughout the length and breadth of the country, a number of whom resigned from the legislatures, some relinquishing titles and others giving up official positions. At the same time, observers were not wanting who feared the ultimate effect of this campaign of lawlessness. The press reflected the various points of view. As was to be expected, the extreme nationalist press supported the campaign

both in editorials and by displaying news of the movement. The Liberal and the Anglo-Indian Press on the other hand, unreservedly condemned Congress activities. Mention should be made here of the illicit *Congress Bulletin* which was edited, printed and widely circulated in Bombay and beyond. Notwithstanding all the attempts of the authorities to discover the staff of this publication, they remained anonymous throughout the campaign.

The country was in a ferment of excitement and the possibility of grave disorders was ever present. Indeed, there had been a terrorist outrage at Chittagong, in Bengal, and as a result the Bengal Ordinance was introduced on April 19, empowering the Government to take summary action in connection with suspected terrorists. Between that date and July 7, six other Ordinances were promulgated, arming the authorities with powers for dealing with intimidation and unlawful instigation. One of these measures was the Indian Press Ordinance, 1930, "to provide for the better control of the Press."

Under the terms of this Ordinance, Magistrates were empowered, in their discretion, to demand securities of not less than five hundred or more than two thousand rupees from any person keeping a printing-press who was required to make a declaration under Section 4 of the Press and Registration of Books Act, 1867. From publishers of newspapers who were required to make declarations under Section 5 of the Press and Registration of Books Act, 1867, the Magistrate could, in his discretion, also demand a security of not less than five hundred or more than two thousand rupees. Power to declare such securities forfeited was conferred when it appeared to the Local Government that any matter published was likely to have a tendency, directly or indirectly, whether by influence, suggestion, allusion, metaphor, implication or otherwise:

(*a*) "to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or

(*b*) to seduce any officer, soldier, sailor or airman in the Army, Navy or Air Force of His Majesty or any police officer from his allegiance or his duty, or

(*c*) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India, or to excite dis-

affection towards His Majesty or the said Government or any such Prince or Chief, or

(*d*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*e*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land-revenue, tax, rate, cess or other due or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*f*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*g*) to promote feelings of enmity or hatred between different classes of His Majesty's subjects, or

(*h*) to prejudice the recruiting of persons to serve in any of His Majesty's forces, or in any police force, or to prejudice the training, discipline, or administration of any such force."

On one security being forfeited any printer making a fresh declaration had to deposit with the Magistrate before whom such a declaration was made, a further amount of not less than one thousand or more than ten thousand rupees. From the publisher, securities could also be demanded of amounts between one thousand and ten thousand rupees. If this further security were forfeited the Local Government might, by notice in writing, forfeit the further security, the printing press and all copies of the offending publication to His Majesty. When these forfeitures were declared the Local Government might direct a Magistrate to issue a warrant to seize and detain the forfeited property and to enter any premises for the search of such property.

Appeals could be made to the High Court to set aside such orders within two months from the date of their execution. Such applications were to be heard by a Special Bench of the High Court composed of three Judges, or, where the High Court consisted of less than three Judges, of all the Judges.

Alarmed by the condition into which the country had sunk—with a campaign of civil disobedience on the one hand and exceptional measures in the shape of the Ordinances at the

disposal of the Government on the other—a number of nationalists resigned from the Assembly. The Liberals, while they deplored the decision Mr. Gandhi had taken, were equally apprehensive of the measures the Government held to be necessary. In fact, in May, the Council of the Liberal Federation requested the immediate repeal of the Press Ordinance and the release of all political offenders who had not been found guilty of violence.

In the meantime, many prominent leaders, including Mr. Gandhi and Pundit Jawaharlal Nehru had been arrested. At first the Government did not make arrests on a large scale but, as the movement increased in intensity, they began to change their policy. Though the machinery of Government had by no means been brought to a standstill, as had been hoped by the leaders of the civil disobedience movement, they did create many formidable problems. The boycott of British goods and the groups of picketers who were posted outside shops selling British wares, were comparatively easy to handle. But the campaign was not confined to youthful demonstrators. The Hindu mercantile community throughout the country, especially in Bombay, was sympathetic to the Congress cause. No doubt, many advantages accrued to them as a result of the boycott of British goods and the consequent stimulus given to the sale of *swadeshi* products. Then, again, thousands of women exceeded the expectations of Congress organisers by responding to Mr. Gandhi's appeal for their assistance. They took part in processions and picketing, and, as a result, went to prison.

At a meeting of the Working Committee in June, composed largely of substitutes who were taking the place of the imprisoned leaders, a resolution was confirmed calling upon troops and police to disobey Government orders. In consequence of this incitement to disaffection, the whole Committee was proclaimed an unlawful association and the acting President, Pundit Motilal Nehru, and several other leaders were arrested.

The Report of the Statutory Commission had just been published. It is unnecessary here to detail the proposals since, apart from Provincial Autonomy, the recommendations were rendered obsolete by future events. At the same time, it is pertinent to point out that the Round Table Conference which changed the direction of Indian Constitutional discussions, was the outcome of a recommendation of Sir John Simon. It is sufficient to record that Indian Liberal opinion was completely dissatisfied with the recommendations in the Report; it goes

without saying, therefore, that advanced nationalist opinion was unanimously hostile. Indeed, in view of the personnel of the Commission and the British Government's attitude towards Indian objections, it was hardly to be thought that those who had strenuously boycotted the Commission would pay much attention to its findings.

The political situation was, indeed, very discouraging. Nearly all the Congress leaders, together with thousands of followers, were in jail. The Liberals, the Muslims and the Sikhs were all dissatisfied with the recommendations of the Simon Commission; the Europeans, too, saw objections in the Simon proposals so far as their workability was concerned. The general atmosphere of suspicion regarding the Round Table Conference in the coming autumn was only increased when reports were received that in addition to representatives of the Labour Government, delegates from the British Conservative and Liberal Parties would also take part. It had been advanced, with justification, that as any settlement achieved at the Conference would have eventually to be ratified by Parliament, it was advisable (if not imperative) that the Opposition parties should also participate in the proceedings; a view which was ultimately accepted by the Indian Liberals.

It is necessary at this stage to break away from the general political picture and examine the effect of the turmoil in India on the press. As we have noted, the Press Ordinance was promulgated on May 30, 1930, giving the Government the authority to order the suspension of newspapers. Never before had the press played so important a part in the national campaign and enthusiasm was kindled and maintained by the vigorous action of the Nationalist newspapers. The facts of daily arrests of leaders, vast processions, injuries to Congress volunteers who had come into conflict with the police, were all displayed in bold type. Indeed, all the methods which a nationalist press might be expected to use in a country at war were employed by the journals supporting the movement. In the prosecution of their duties the police had on many occasions to use *lathis* to disperse crowds of demonstrators. Sometimes discrimination and mercy were absent, and, not unexpectedly, the nationalist press made the most of such incidents—and their propaganda value was not without effect amongst even those who did not support the civil disobedience campaign.

Whenever the Government saw a cause for action, the Press

Ordinance was invoked and, a number of nationalist newspapers suspended publication, while others forfeited securities, and some editors were arrested, including Mr. S. A. Brelvi of the *Bombay Chronicle*. These developments dealt a blow to the nationalist news agency, the *Free Press of India*, which had been founded in 1927. With the closing down of newspapers and the apprehension on the part of others, that publication of *Free Press* telegrams would lead to proceedings being taken against them, that organisation was put to considerable financial loss. It was what might be called the clearing house of news of a nationalist view from all parts of India and Burma. In addition, it received news from London dealing with Indian affairs. The clearing house existed but the constituents were wanting. Therefore, the management of the organisation, with the support of leading members of the Indian mercantile community launched an English newspaper in Bombay on June 13 (1930) named the *Free Press Journal*. This new publication deserves some attention since it was an attempt to break through the orthodox newspaper make-up. In the first place, in order to ensure as wide a circulation as possible the paper was published at half an anna. Secondly, it featured the telegrams of its parent agency and thus offered the public distinctive reading matter. Thirdly, it employed what was for India a new kind of lay-out by displaying matter in bold type and with banner headlines.

This new enterprise on the part of the *Free Press* was, however, objected to by a section of the Indian Press which had hitherto been supporting the organisation. This section held that it was incompatible with the objects of a news agency to enter into even potential rivalry with its customers and, as a result, they withheld their patronage.

On July 9, the Viceroy addressed members of both Houses of the Legislature. Referring to the civil disobedience movement, he said that mass action, even if it were intended by its promoters to be non-violent, was nothing but the application of force under another form, and, when its avowed object was the making of Government impossible, a Government was bound either to resist or abdicate. The resolution of the All-India Working Committee of the Congress, designed to seduce police and troops from their allegiance, left, he said, no longer room for doubt to what desperate lengths the organisers of the movement were prepared to go, and gave the Government no option but to proclaim the body responsible for such resolution an unlawful

association. Therefore, he felt bound to combat these doctrines and to arm the Government with such powers as seemed requisite to deal with the situation. He fully realised that in normal times such frequent resort by the Governor-General to the use of his special powers would be indefensible. But the times were not normal, and, if the only alternative was acquiescence in the efforts openly directed against the constituted Government of the King Emperor, he could not for one moment doubt on which side his duty lay. "So long as the civil disobedience movement persists," declared Lord Irwin, "we must fight it with our strength."

The Round Table Conference was to meet in the autumn but those Liberal leaders who were prepared to go were fully aware that without the leading political organisation in India, the Conference would be at an overwhelming disadvantage. Therefore, Sir Tej Bahadur Sapru and Mr. Jayakar, with the approval of the Viceroy met Mr. Gandhi in Yerowda jail. Subsequently, they saw Pundits Motilal Nehru and Jawaharlal Nehru in Naini jail. Ten days later the two latter were transferred to Yerowda so that the chances of a successful outcome of the discussions would not be prejudiced by the fact that the Congress leaders could not confer with each other.

In the middle of August discussions took place between Mr. Gandhi, Pundits Motilal and Jawaharlal Nehru, Mr. Vallabhai Patel and Mrs. Sarojini Naidu on the one hand and Sir Tej Bahadur Sapru and Mr. Jayakar on the other. The press followed these discussions down to their most minute detail, speculation taking the place of authentic information when the latter was not forthcoming. The attempts to persuade the Congress leaders to attend the Round Table Conference failed. The terms the two intermediaries were authorised to place before the Government included a recognition of the right of India to secede from the British Empire; the transfer of responsibility to the people (including control of the defence forces and economic control); the right to refer, if necessary, to an independent tribunal such questions as the Public Debt of India which, in the eyes of Congress opinion, seemed unjust; total prohibition; the devaluation of the rupee; and the reduction of land revenue, military expenditure, and the salaries of higher officials by fifty per cent.; the release of political prisoners; and the restoration of confiscated properties and fines.

Such were the terms on which the Congress was willing to

abandon the civil disobedience movement, though it reserved to itself the right to continue the picketing of foreign cloth and liquor shops and to manufacture salt. It was hardly to be expected that the Government would see their way to accepting all these terms, if any of them. Consequently, the stalemate continued, the Government pressing on with its preparations for the Round Table Conference and the Congress continuing its campaign of mass civil disobedience. When it was definitely known that Congress would not participate in the Conference, the nationalist press began to cast doubt on the standing of the Indian personnel and also on the significance of their deliberations in London. At one point, there were discussions whether Congress newspapers should refuse to print any account whatever of the Conference proceedings but this was found to be a wholly impracticable suggestion. *Reuter* had made arrangements for a full and comprehensive service of news connected with the Conference and the Anglo-Indian and Liberal papers would have, in any event, published as much of the proceedings as could be supplied. The *Free Press of India* had also, notwithstanding its national bias, made special arrangements for the reporting of Conference proceedings and "lobby" developments. So far as the general public was concerned, while their interest in the civil disobedience movement was maintained, it had to be conceded that the centre of political gravity had to a large extent been transferred to London. One reason was that the nationalist campaign though it continued, was, to all intents and purposes, static, whereas the deliberations in London were potentially dynamic. What would be the attitude of the Indian Princes, the Liberals, the British Conservatives, not to say the Labour Government? Therefore, in addition to the services maintained by *Reuter* and the *Free Press*, the leading newspapers were represented at the Conference by special correspondents; the *Hindu*, the *Madras Mail*, the *Times of India*, the *Bombay Chronicle*, the *Statesman*, the *Leader*, *Amrita Bazar Patrika*, the *Pioneer*—all sending representatives. In addition, two prominent journalists were delegates to the Conference, Sir (then Mr.) C. Y. Chintamani, the Editor-in-Chief of the *Leader* and Mr. B. Shiva Rao, who was connected with *Young India* as well as being a trade union organiser. They did not, however, undertake any journalistic work, though occasionally Sir C. Y. Chintamani sent explanatory messages to his paper. Mr. F. W. Wilson, the editor of the *Pioneer*, which paper, in contrast to its earlier days, now gave its support to the Indian

Liberal viewpoint, also went to London to report the discussions of the Conference.

The briefest outline of the proceedings of the Conference will suffice for our purpose. It will be recalled that Sir John Simon and his colleagues had referred to the ultimate desirability of the Indian States participating to some extent in India's constitutional machinery. This "Federal idea" was again referred to in the Confidential Dispatch of the Government of India on the question of the Reforms, a document signed by the Viceroy and the seven members of his Council. Referring to the Statutory Commission's picture of an ultimate All-India Federation including not only British India but also the Indian States, the Dispatch declared: "That is an ideal which we fully accept . . . but it is clear . . . that this ideal is at present distant, and that the Federation of Greater India to which they look forward cannot be artificially hastened . . . the time has not yet come when the general body of Indian States would be prepared to take a step so far-reaching in its character as to enter into any formal Federal relations with British India."

Both the Statutory Commission and the Government of India were proved by events to be mistaken. Indeed, at the first plenary session of the Round Table Conference in November, H.H. the Maharaja of Bikaner declared that he was "convinced that the States would make the best contribution to the greater prosperity and contentment of India as a whole in a Federal system of Government composed of the States and British India." Two days later H.H. the Maharaja of Patiala concurred in this view and stated that he believed that the quickest method of achieving India's enhanced status and dignity was by Federation. Lord Reading, who had preceded Lord Irwin as Viceroy of India, declared that if there were agreement on this conception of an All-India Federation, the whole aspect of the pre-Conference situation would be changed. As a result of the general acceptance of Federation as a desirable goal, a Federal Relations Committee was set up to deal with the entire problem.

Public opinion in India had been roused by the unexpected turn of events and the various details of the discussion were closely followed by the Indian Press. Unfortunately, interest gave way to criticism when it was found that those who composed the Minorities Sub-Committee of the Conference failed to reach agreement over the communal question. Discussions in London, however, continued until January 19, when it was considered

desirable that at that stage an attempt should be made to seek the co-operation of the largest political party in India. The basis on which the attempt was to be made was outlined in the Prime Minister's speech at the concluding session of the Conference. Mr. Ramsay MacDonald said:

> "The view of His Majesty's Government is that responsibility for the Government of India should be placed upon the Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by the minorities to protect their political liberties and rights. In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new Constitution to full responsibility for her own Government . . . His Majesty's Government have taken note of the fact that the deliberations of the Conference have proceeded on the basis, accepted by all parties, that the Central Government should be a federation of all-India, embracing both the Indian States and British India in a bicameral Legislature . . . With the Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognize the principle of the responsibility of the Executive to the Legislature."

In the meantime, certain Congress leaders had been released and then re-arrested and, though the boycott of British goods was being maintained, constitutional interest had inevitably been focused on the London discussions. But, as the Viceroy pointed out to the members of the Legislative Assembly on January 17 (two days before the Prime Minister's statement), whatever might have been the true objects underlying the civil disobedience movement, the Government still saw in many parts of India determined efforts to substitute another authority for its own, and to interfere with the maintenance of law and order, of which the Government was the constituted guardian. It was not possible for the Government to play the *rôle* of benevolent spectator, so long as those who had been endeavouring to destroy its foundations at several points showed no sign of abating their activities. His Excellency then indicated some of the measures the Government considered it necessary to devise to deal with the situation, including a bill designed to counteract the terrorist movement in Bengal, a new Press Bill and an Unlawful Instigation Bill.

On January 19, however, the day on which the Prime Minister made his announcement to the Round Table Conference, Sir James Crerar, the Home Member, declared that as the Prime Minister, on behalf of His Majesty's Government, was about to make a momentous announcement of policy, which it was hoped would open up the prospect to all men of reason and goodwill, the possibility of the early restoration to India of conditions of tranquillity and confidence, it had been suggested, without prejudice to any question of principle or policy, that that was not an opportune occasion for pressing a debate on matters which must necessarily excite some degree of controversy. Having regard to the fact that the Ordinances afforded protection against the evils with which the legislation was designed to deal, the Government did not desire to proceed immediately with the Bills. In the view of the Opposition, the Government should have withdrawn the Ordinances altogether. And their spokesman, Dewan Bahadur T. Rangachariar, made it clear that while the Opposition welcomed the postponement of the discussion of the Bills, their attitude towards them would be one of opposition to the principles underlying the Bills, and a strenuous hostility to the Press Bill.

In the following week Lord Irwin made an announcement declaring that his Government, in consultation with local Governments, had thought it right that the members of the Working Committee of the All-India Congress should be allowed full opportunity of discussion between themselves and that the notifications declaring the Committee to be an unlawful association would be withdrawn. Action would be taken for the unconditional release of Mr. Gandhi and others. His Government felt that the best hope of the restoration of peaceful conditions lay in discussions being conducted by those concerned under terms of unconditional liberty. He was content to trust those who would be affected by the decision to act in the same spirit as inspired it.

Congress leaders were duly released and in the middle of February discussions took place between them on the one hand and Sir Tej Bahadur Sapru, Mr. Sastri and Mr. Jayakar on the other. As a result of their conversations, the Working Committee authorised Mr. Gandhi to seek an interview with the Viceroy. On various days between February 17 and March 5, Mr. Gandhi had private interviews with Lord Irwin in Viceroy's House; the ultimate result being the well-known Gandhi-Irwin Agreement. The terms of settlement were published in a Home Department

notification. Civil disobedience in all its manifestations was to be abandoned, and this included the cessation of publication of news-sheets in support of the civil disobedience movement and the organised boycott of British commodities as a political weapon. It was agreed that in furtherance of the policy of the replacement of non-Indian by Indian goods, resort would not be had to methods coming within the category of picketing, except within the limits permitted by the ordinary law. The Government, for its part, was to withdraw the Ordinances and other special measures. This took place on March 6, 1931.[1] As for constitutional questions, the scope of future discussion was stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation was an essential part; so also were Indian responsibility, and reservations or safeguards in the interests of India, for such matters, as for instance, Defence, External Affairs, the position of minorities, the financial credit of India and the discharge of obligations. Steps were to be taken for the participation of the representatives of the Congress in the further discussions that were to take place on the scheme of constitutional reform.

The Gandhi-Irwin Agreement was subjected to microscopic examination by the press. The right-wing of the British Conservative press showed a spirit of righteous indignation that a breaker of laws should be treated as an equal by the Viceroy. The *Morning Post*, in particular, feared that the accommodating spirit shown by the Viceroy would only lead to an intensification of what they felt to be the truculent and intransigent attitude adopted by Congress leaders. The more moderate British newspapers appreciated the fact that the campaign of active hostility had for the time being, at least, been abandoned and they hoped that wise counsels would prevail when the constitutional discussions eventually took place. The Liberal press of India naturally welcomed the agreement and regarded it as a success for the Liberals who had not only attended the Conference, but who had made possible the meeting between the Viceroy and Mr. Gandhi. But the extreme section of the press was still uncompromising. It did not appreciate the reasoning which made non-cooperation desirable at one moment and co-operation a necessity at the next. Moreover, they pointed out that many

[1] Ordinance No. 11 of 1931: *An Ordinance to Repeal Certain Ordinances.*

followers of the Congress had sacrificed property, since where it had been sold to third parties, the transaction was regarded as final, as far as the Government was concerned. It was also pointed out that Mr. Gandhi and Pundit Motilal Nehru (who had since passed away) had made it a condition of their participation in the first Round Table Conference that it should discuss a Dominion Status constitution for India whereas the basis on which the Congress was now apparently prepared to take part in the discussions, might fall considerably short of that ideal.

The agreement was to be discussed by the annual session of the Congress at Karachi during the last week in March. A few days earlier Bhagat Singh and two other men had been condemned and executed at Lahore for participation in a terrorist conspiracy and this event created nation-wide controversy and a possibility of jeopardising the agreement. Mr. Gandhi had always opposed the cult of violence and he had concurred that Ordinance No. 1 of 1931 relating to the terrorist movement did not come within the scope of his agreement with the Viceroy. Although his attitude was well known, he was criticised by certain Congressmen who considered that he should have pressed for the release of various prisoners who had been convicted of violent offences with a political goal. Consequently, it was apprehended that the proceedings in Karachi might be faced with some difficulties. But when the resolution dealing with the Delhi agreement came before the full Congress, it was passed unanimously. From this period interest was concentrated on the forthcoming constitutional discussions, though the left-wing elements, who had not been reconciled to the new policy, merely contented themselves with a "wait and see" attitude.

In April, Lord Irwin was succeeded by Lord Willingdon who had previously acted as Governor of both Bombay and Madras. He was faced with a comparatively calm country although allegations were made, in the press and elsewhere, that breaches of the Delhi agreement were daily taking place. Sometimes Congress volunteers were accused of not making their picketing as peaceful as had been intended and sometimes police officers were accused of being over-zealous in the observance of their duties. Furthermore, the communal situation could only be described as one of acute tension. Failure, on the part of Hindu and Muslim leaders, to reach agreement at the Round Table Conference had led to a deterioration in the relations of their respective communities. Mr. Gandhi was fully aware that

constitutional discussions, in the absence of communal agreement, would not lead far. Indeed, on one occasion he announced that he would not feel able to go to London until the communal problem had been solved. However, at a meeting held in June, in Bombay, the Congress Working Committee resolved that failure to reach a communal settlement should not in itself prevent Mr. Gandhi's attendance at the Round Table Conference, "other conditions being favourable." This proviso was evidently a reference to the disputes which were pending regarding the observance of the Delhi agreement. European opinion, as expressed in the Anglo-Indian newspapers, was most apprehensive of the trend of developments. There had been an outbreak of violence in Bengal and a number of murders and other offences had been committed and attempted. It almost seemed as if Congress participation in the second Round Table Conference would not materialise. However, in August, Mr. Gandhi met the Viceroy at Simla and a further agreement was arrived at providing that Mr. Gandhi would represent the Congress at the forthcoming Round Table Conference and an inquiry would be instituted into the Congress allegation of repressive action in Bardoli. The report of this inquiry, published four months later, stated that the allegations of excessive demands of revenue and of police coercion were unfounded.

Mr. Gandhi arrived in London on September 13. His part in the proceedings of the Round Table Conference and his relations with the press have been described elsewhere.[1] While the constitutional discussions were taking place in London, the terrorist campaign in Bengal was causing the Government considerable anxiety. They decided, therefore, to re-introduce a new Press Bill, designed to suppress the publication of matter inciting to or encouraging murder or violence.

The discussion on the Bill produced on both sides of the House the familiar arguments in favour of strict control on the one hand and freedom on the other. While Sir James Crerar, the Home Member, pointed out that the Bill was not intended as an indictment of the press as a whole and was definitely restricted in its immediate object, the Opposition declared that the measure would not achieve the object with which it had been framed and that it would confer too great a power on the executive. The Bill was referred to a Select Committee and, after some modification, was passed by the Assembly in the beginning of October, by

[1] See the author's *India: To-day and To-morrow.*

fifty-five votes to twenty-four. The Council of State passed the measure unanimously.

The Indian Press (Emergency Powers) Act, 1931,[1] is still on the Statute Book, though certain amendments have been made to it since it received the assent of the Governor-General on October 9, 1931. Originally it was to remain in force for one year only, but the Governor-General had power, by notification in the *Gazette of India*, to direct that it should remain in force for a further period not exceeding a year. Any person keeping a printing press, who was required to make a declaration under Section 4 of the Press and Registration of Books Act of 1867, might be required by the Magistrate before whom the declaration was made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration was made a security up to one thousand rupees; a similar provision applied to the publisher. The Magistrate was empowered to make this demand on the request of the Local Government. Whenever it appeared to the latter that any printing press was used for the purpose of printing or publishing any newspapers, book or other document containing any words, signs, or visible representations which incited or encouraged or tended to incite or encourage the commission of any offence of murder or any cognizable offence involving violence or directly or indirectly expressed approval or admiration of any such offence, or of any person, real or fictitious, who had committed or who was alleged to have committed any such offence, the Local Government was empowered to take action.

Where a security had been deposited, the Local Government could declare such security or a portion of it forfeited to His Majesty, or where the security had not been deposited to declare the press to be forfeited to His Majesty. All copies of such newspapers, books or other documents wherever found in British India could be likewise forfeited.

If, after one security had been forfeited, the Local Government could forfeit yet a further security which could be not less than one thousand or more than ten thousand rupees in the case of both the printer and publisher. The Act also empowered the Local Government to direct a Magistrate to issue a search warrant for such property where copies of newspapers and books declared forfeited were suspected to be stored for distribution. The Chief Customs Officer or other officer authorised by the Local Govern-

[1] See Appendix III.

ment could detain any package brought into British India which he suspected contained documents coming within the provisions of the Act.

It will be seen that summary action could be taken by a Magistrate on instructions from the Local Government and thus the onus of proving themselves innocent fell upon those who were prosecuted. The remedy open to them was by appeal to a Special Bench of the High Court, composed of three Judges, or where the High Court consisted of less than three Judges, of all the Judges. If it appeared to the Special Bench that the matter cited did not come within the meaning of the Act, the Special Bench had the power to set aside the order, whether it related to the demand for security or was one ordering forfeiture of the printing press in question.

The powers conferred by the Act were very wide and extended so far as to enable local Governments to prohibit the publication of the names and also the portraits of well-known leaders of the civil disobedience campaign as "the publication of such pictures tends to encourage the movement."[1] Other restraints included the prohibition of the publication of Congress propaganda of any kind including messages from persons arrested, messages issued or purported to issue from prisoners in jails, exaggerated reports of political events, notices and advertisements of meetings, processions and other activities tending to promote the civil disobedience movement or any other matter in furtherance of the civil disobedience movement.

Naturally, newspapers which were pledged to support the Congress programme could not escape the penalties of so far-reaching a measure as the Indian Press (Emergency Powers) Act. Throughout the country newspapers were being penalised under its provisions. Mention may be made of the following important instances. The printer and publisher of the *Bombay Chronicle* were called upon to deposit Rs. 3,000 each for publishing an article by Mr. B. G. Horniman. The printer and publisher of the *Ananda Bazar Patrika* each received demands for Rs. 1,000. A security of Rs. 6,000 was demanded from the *Amrita Bazar Patrika*. Rs. 6,000 were deposited by *Liberty*, of Calcutta, part of which was later forfeited. On July 23 a security of Rs. 6,000, deposited on behalf of the *Free Press Journal* a month previously, was declared forfeited by the Bombay Government.

With political excitement at a high level, the business of the

[1] See Bombay and Madras Government Notifications, February, 1932.

press became most hazardous. While the Congress press marched with the movement and increased its circulation, it was handicapped by the absence of confidence on the part of advertisers; however, help from Congress sympathisers often supplied the deficiency.

Another Bill affecting the press was the Foreign Relations Bill which replaced an Ordinance promulgated in the previous April (Ordinance No. IV of 1931). The object of this measure was to penalise publications calculated to interfere with the maintenance of good relations between His Majesty's Government and friendly foreign States. Some newspapers had been critical of the administration in certain States adjoining the frontiers of India, and the measure was designed to defend the rulers of such States from defamatory articles.

This legislation (ultimately known as the Foreign Relations Act, 1932)[1] declared that where an offence falling under Chapter XXI of the Indian Penal Code was committed against a Ruler of a State outside but adjoining India, or against the consort or son or principal Minister of such Ruler, the Governor-General in Council might make, or authorise any person to make, a complaint in writing of such offence and any Court competent in other respects to take cognizance of such offence might take cognizance of such a complaint. Any book, newspaper or other document containing such specified defamatory matter which tended to prejudice the maintenance of friendly relations between His Majesty's Government and the government of such State could be detained in the same manner as seditious literature.

Muslim members of the Assembly attacked the Bill on the ground that it would curtail their right to sympathise with their co-religionists in foreign countries. But the Foreign Secretary explained that the danger was real and that it was better to muzzle a few journalists, on whom, he said, the Ordinances had had a salutary effect, than to take the risk of impairing friendly relations with foreign Rulers. The Bill was passed by the Assembly on April 2, 1932.

At the end of October, while Mr. Gandhi was in London, British political life was disturbed by the economic crisis which resulted in the Labour administration being succeeded by a National Government. While the new Cabinet was overwhelmingly Tory, Mr. Ramsay MacDonald remained Prime Minister. On behalf of the new National Government he

[1] Appendix IV.

re-affirmed the policy adopted as a result of the first Round Table Conference; a step which was regarded as a definite advance, for, whereas the Conservatives had not committed themselves at the first Conference, they were now the dominant party in the administration. Although the Congress was represented in London officially by Mr. Gandhi alone, he had the support of Mrs. Sarojini Naidu, Mr. A. Rangaswami Iyengar (the editor of the *Hindu* of Madras), Pundit Madan Mohan Malaviya, and that of a few other delegates who accepted his leadership. Notwithstanding this, the delegates failed to reach communal agreement and thus placed the onus of devising a solution of the various incompatible communal claims on the British Government. As a result, the Government in due course published their Communal Award which was, not unexpectedly, to cause much dissatisfaction, especially in Bengal.

The nationalist section of the Indian Press explained the failure of their leaders to arrive at a settlement by the fact that the delegates to the Conference had been nominated by the Government and were not, therefore, the true representatives of the people.

Three factors had the effect of depriving the Conference deliberations of a sense of reality, and the more vigorous leaders of any "drive." Two of these factors have already been mentioned, the formation of the British National Government, and the failure to reach communal agreement. The third factor was the situation in India. In Bengal there had been a series of terrorist outrages ever since July and without special powers the Government doubted their ability to cope with such outbreaks. On October 29, therefore, an Ordinance was promulgated widening the scope of the Bengal Criminal Law Amendment Act which provided for the arrest and detention of terrorists without trial. A month later another Ordinance was promulgated providing for the speedier trial of terrorist offenders and facilitating combined civil and military operations in the Chittagong District. The extreme nationalist press saw in these measures weapons of "repression" and they used all the means open to them for criticism. The Anglo-Indian Press, on the other hand, alarmed at the murders and attempted murders, thought that such action was the least the Government could take in an effort to eradicate the terrorist cult.

Bengal was not the only disaffected province. In the United Provinces a very serious agrarian situation had arisen, as a

result of the heavy fall in prices, consequent on the world depression. The Government was examining the question of rent adjustments in the attempt to relieve the cultivators of their burden. The struggle resolved itself into one of the *zemindars* on the one side and the tenants on the other. The Congress and nationalist press had taken up the cause of the latter and in October the Allahabad District Congress Committee asked the Provincial Congress Committee for permission to start a no-tax campaign. Mr. Gandhi, who was then in England, and the Congress Working Committee were consulted, with the result that full discretion was left to the Provincial Congress Committee under the presidentship of Pundit Jawaharlal Nehru. While discussions were still proceeding, the Provincial Congress Committee passed a resolution authorising the Allahabad District Congress Committee to advise tenants and revenue payers to withhold the payment of rent and revenue, and soon afterwards definitely sanctioned a no-rent campaign in four districts. In consequence, on December 14, the United Provinces Emergency Powers Ordinance was promulgated and was immediately extended to the affected districts. Pundit Jawaharlal Nehru was arrested on December 26.

In the North-West Frontier Province there was also a critical situation. On December 20, a meeting of the Frontier Provincial Congress Committee resolved that the Prime Minister's announcement, promising early constitutional reforms in the province, was unsatisfactory, that the object of the Red Shirt organisation was to attain complete independence, that the All-India Congress Committee should be asked to put an end to the Gandhi-Irwin settlement, and that Khan Abdul Ghaffar Khan should proceed to Bombay to discuss with Mr. Gandhi (then on his way to India) plans for the resumption of civil disobedience. Four days later, certain Ordinances were promulgated and Khan Abdul Ghaffar Khan and other leaders were arrested.

Mr. Gandhi had been kept informed of the Bengal and the United Provinces situation whilst he was in London. Great was the excitement, therefore, when he arrived in Bombay on December 28, since the country was looking to him for a lead. After consulting the members of the Congress Working Committee, who had assembled to meet him, he sent a telegram to the Viceroy stating that he was unprepared, on landing the previous day, to find the Frontier and the United Provinces Ordinances, shootings in the Frontier Province and arrests of valued comrades in both,

on top of the Bengal Ordinances, awaiting him. He did not know, he added, whether he was to regard these as an indication that the friendly relations between them were closed or whether the Viceroy expected him still to see him and guide him (Mr. Gandhi) as to the course he was to pursue in advising Congress.

The Viceroy replied through his Private Secretary that in regard to Bengal it had been and was necessary for the Government to take all possible measures to prevent surreptitious assassinations of their officers and private citizens. The Viceroy and his Government desired to have friendly relations with all political parties and with all sections of the public and in particular to secure the co-operation of all in the great work of constitutional reforms which they were determined to push forward with the minimum of delay. Co-operation, however, must be mutual and the Viceroy and his Government could not reconcile the activities of the Congress in the United Provinces and the North-West Frontier Province with the friendly co-operation which the good of India demanded. The Viceroy further said that as Mr. Gandhi had been absent from India on the business of the Round Table Conference, he (the Viceroy) was unwilling to believe that he had personally any share in the responsibility for, or that he approved of, the recent activities of the Congress in the United Provinces and the North-West Frontier Province. If that was so, he was willing to see him and to give him his views as to the way in which he might best exert his influence to maintain the spirit of co-operation which animated the proceedings of the Round Table Conference. But, the Viceroy pointed out, he felt bound to emphasise that he would not be prepared to discuss measures which the Government of India, with the full approval of His Majesty's Government, had found it necessary to adopt in Bengal, the United Provinces and the North-West Frontier Province. Those measures would in any case be kept in force until they had served the purpose for which they were imposed, namely, the preservation of law and order essential to good government.

The Indian Press and public opinion were aware that certain momentous exchanges were taking place, though at that time the correspondence had not been published. Mr. Gandhi's reply to the Viceroy was unequivocal. He said that he was grieved, for instead of appreciating his advance, the Viceroy had rejected it by asking him to repudiate his valued colleagues in advance and telling him that if he became guilty of such dishonourable conduct and sought an interview, he could not even discuss these matters

of vital importance to the nation. He further expressed doubt whether the facts of the situation warranted promulgation of the Ordinances. So far as the United Provinces were concerned, he declared that there was no "no-rent" campaign authorised by the Congress, but that Congress had advised tenants to suspend payments of rents, pending the result of the negotiations with the Government. Congress had offered to withdraw this advice if the authorities had suspended collections during negotiations. While Congress condemned terrorism, it must also resist, within the limits of its prescribed creed of non-violence, such measures of legalised Government terrorism as the Bengal Ordinance. He had come to the conclusion that the Viceroy demanded co-operation from the Congress without returning any on behalf of the Government and if it was not too late, he would ask His Excellency to re-consider his decision and see him as a friend, without imposing any conditions whatsoever as to the scope or subject of discussion and he, on his part, would promise that he would study with an open mind all the facts that might be put before him. He would willingly go to the respective provinces and, with the aid of the authorities, examine both sides of the question and if he came to the conclusion after such a study that the people were in the wrong and that the Working Committee, including himself, were misled as to the correct position, and that the Government was right, he would have no hesitation whatsoever in making that open confession and guiding the Congress accordingly. At the same time, he could not abandon his creed that non-violent civil disobedience was not only the natural right of the people, especially when they had no effective voice in their own Government, but that it was also an effective substitute for violence or armed rebellion. In pursuance of his creed, and on the strength of uncontradicted reports, supported by recent activities of the Government of India, to the effect that there might be no other opportunity for him to guide the public, he added that the Working Committee had accepted his advice and passed a resolution, tentatively sketching a plan for civil disobedience. The text of the resolution he was sending with his telegram. The operation of the resolution would be suspended pending any discussion with the Viceroy in the hope that it might result in the resolution being finally given up.

The resolution declared that if a satisfactory reply were not forthcoming from the Government, the Working Committee called upon the nation to resume civil disobedience, including the

non-payment of taxes, the boycott of foreign cloth, whether British or otherwise, the wearing of hand-spun and hand-woven *khaddar*, the picketing of liquor and foreign cloth, especially the resumption of the unlicensed manufacture and collection of salt, the practice of the civil breach of "non-moral laws" and the disobedience of all "unjust laws issued under the Ordinances."

The Private Secretary to the Viceroy replied saying that no Government, consistent with the discharge of their responsibilities could be subjected to conditions imposed under the menace of unlawful action by any political organisation, nor could the Government of India accept the position implied in Mr. Gandhi's telegram that their policy should be dependent on the judgment of himself as to the necessity of measures which the Government had taken after the most careful and thorough consideration of the facts and after all possible remedies had been exhausted. The Viceroy and his Government could hardly believe that Mr. Gandhi or the Working Committee contemplated that His Excellency could invite him, with the hope of any advantage, to an interview held under the threat of resumption of civil disobedience. They would hold him and the Committee responsible for all the consequences that might ensue from the action which the Congress had announced their intention of taking and to meet which Government would take all necessary measures.

On January 3, Mr. Gandhi replied expressing his deep regret at the Viceroy's decision and saying that it was surely wrong to describe honest expression of opinion as a threat. He reminded the Government that the Delhi negotiations were opened and carried on whilst civil disobedience was on and that when that pact was made civil disobedience was not given up but only discontinued. He did not think it fair or correct to suggest that he had ever advanced the claim that any policy of Government should be dependent on his judgment. But he did tell him that any popular and constitutional Government should always welcome and sympathetically consider suggestions made by public bodies and their representatives and should, in turn, assist them with all available information about their acts or Ordinances of which the public might disapprove. He assured the Government that every endeavour would be made on the part of the Congress to carry on the struggle without malice and in a strictly non-violent manner. It was hardly necessary, he concluded, to remind him that the Congress and he, its humble representative, were responsible for all the consequences of their action.

This exchange of views has been dealt with at some length in order to give a background to the excitement which animated the press, as well as public and private discussions. The atmosphere might be compared to that which exists prior to a declaration of war. Immediately it was known that a resumption of civil disobedience was imminent, the Government put into operation the machinery which it had already prepared to meet any possible emergency. On January 4, four Ordinances were promulgated—the Emergency Powers Ordinance, conferring certain special powers for the maintenance of law and order and, in particular, for widening the operative section of the Press Act so as to permit action against the publication of matter calculated to encourage the civil disobedience movement; the Unlawful Instigation Ordinance, directed against the no-tax campaign; the Unlawful Association Ordinance, aimed at Congress buildings and funds; and the Prevention of Molestation and Boycotting Ordinance, directed against picketing and the boycotting of public servants.

CHAPTER SEVENTEEN

CHRONOLOGICAL TABLE

1932 Mr. Gandhi and other leaders arrested; Special Powers Ordinance; Third Round Table Conference; *Free Press of India* begins world service of news.

1933 White Paper on Indian Constitutional Reforms; *United Press of India* founded.

1934 Indian States (Protection) Act; Congress adopts Council entry programme.

1935 Parliament passes Government of India Act; Congress opposes new constitution.

1936 Lord Linlithgow Viceroy.

1937 Congress majorities in six Legislatures; Congress governments in eight provinces.

CHAPTER SEVENTEEN

CIVIL DISOBEDIENCE VERSUS CONSTITUTIONAL AGITATION

MR. GANDHI and other leaders were arrested and many Congress organisations were declared unlawful associations under the Criminal Law Amendment Act. The Government acted with such dispatch that the Congress organisation and the public were taken by surprise. Nevertheless, the movement for the boycott of British goods increased in intensity and Indian mills supplied what was required. During January the total number of convictions under the ordinary law and the Ordinances, in connection with the civil disobedience movement, numbered 14,803, in February 17,818, and in March 6,909.

A substantial section of public opinion, while deploring the civil disobedience campaign, yet condemned the Government for its policy of "ruling by Ordinances." By the middle of the year, the movement had definitely declined and it had been hoped that the Ordinances would be allowed to lapse. The Government, however, felt that any modification of their policy might lead to a revival of civil disobedience on a large scale. Therefore, on June 30, a consolidated Ordinance, called the Special Powers Ordinance, 1932, was promulgated, embodying most of the powers contained in the four Ordinances that it replaced.

The Section affecting the press stated that the Indian Press (Emergency Powers) Act, 1931, was also to be applicable to any book, newspaper or document which tended, directly or indirectly:

1. "to seduce any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty or any police officer from his allegiance or his duty, or
2. to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Indian Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or,
3. to put any person in fear or to cause annoyance to him and

Depressed Classes from the Hindu fold. When the decision was published, it was seen that the Government had not been influenced by this possibility and, consequently, on September 20, Mr. Gandhi began his fast.

Once again, the press was thrown into a state of feverish excitement and demands were made for his unconditional release; with his life in danger and the assembly in Poona of various leaders, including Dr. Ambedkar, the leader of the Depressed Classes, and leaders and representatives of orthodox Hindus, the situation was dramatic in the extreme. After some days' tense discussions, conducted under the shade of Mr. Gandhi's waning strength, a pact was signed, which thereafter became known as the Poona Pact. Briefly, this agreement provided that instead of the seventy-one seats allotted to the Depressed Classes by the Communal Award on the basis of separate electorates, a total of one hundred and forty-eight seats should be reserved for them from the general constituencies. Election to these seats was to be through joint electorates, subject to a system of primary election under which the Depressed Class voters in the constituency were to form an electoral college for the election of a panel of four candidates who would stand for the second re-election by the joint electorate. This system was to continue for ten years, if not previously abolished by mutual consent. As the British Government had previously signalised its willingness to accept any modification to which there was general assent, it agreed, on September 26, to modify the Award along the lines suggested at Poona.

While the Poona Pact gained for the Depressed Classes more than double the previous representation, it was seen on analysis that it differed little in principle from the Award. However, the nationalist press was delighted with the outcome of Mr. Gandhi's endeavour, as evidence of the contention that Indian leaders could settle their differences. When, however, the extent to which the caste Hindus had to surrender seats was fully realised, this acclamation on the part of the press was not only diminished, but in some instances turned to hostile criticism. In Bengal, in particular, the caste Hindus were dismayed since their already meagre representation was to be yet further reduced.

While the non-cooperation movement was undoubtedly on the decline, the Government took the view that so long as civil disobedience remained the accepted policy of a political organisation, the measures devised to combat it must be given a more

permanent form than could be secured by Ordinances. As a result, a Bill was introduced in the Simla session of the Legislature and debated in a special session at Delhi between November and December, seeking to embody the main provisions of the Special Powers Ordinance in the form of an Act. Not unexpectedly, the nationalist press strongly condemned this further instalment of "repression" and advocated that nothing but the speedy transfer of political power to Indian hands would remedy the situation. Nevertheless, the Bill was passed by a majority of fifty-seven votes to thirty-one. It was supplemented by various Provincial Bills.

The nationalist press at this time had many subjects on which to express its opposition to the Government's policy. The Ottawa Trade Agreement, for example, was denounced as being conceived solely in the interests of Great Britain, and those Indian politicians who supported the Agreement were bitterly criticised and derided. A campaign was also being pursued for Mr. Gandhi's unconditional release from prison. Since the beginning of his fast, the Government had allowed him special facilities to carry on his negotiations with the Hindu leaders and it was agreed to permit him to pursue his untouchability propaganda while in prison. But so far as the Congress was concerned, the Government still took the view that as long as civil disobedience was its avowed weapon they could not relax their measures to combat it.

Yet a further subject of interest to the press was the question of the separation of Burma, which had been recommended by the authors of the Montagu-Chelmsford Report, by the Statutory Commission, and the Report of the Burma Sub-Committee of the first Round Table Conference. The question of self-determination for the people of Burma, the interests and the rights of Indians resident in the country, and the subject of the trade relations between India and Burma were widely discussed by all the newspapers; this was especially true when at the Burmese general election in November the majority of the candidates returned were opposed to separation. The result of this election caused great surprise since, at the Burma Round Table Conference held in London the previous November, it had been assumed that the majority of the Burmese electorate favoured separation from India.

From Burma, the press turned its attention once more to London where the third session of the Round Table Conference opened on November 17. As on the two previous occasions, the press of India was fully represented.

In October, 1932 the *Free Press of India* began a supply of a world service of news. This expansion was undertaken to meet the demand of newspapers which were anxious to subscribe to a news service which would be so comprehensive as to enable them to dispense with the services of the *Associated Press* and *Reuter*. In consequence of this need, the *Free Press of India* entered into arrangements with the Exchange Telegraph, the Central News and the British United Press, of London, for the supply of the news services of these respective agencies. Their services were received in the London office of the *Free Press* where they were subjected to selection and then cabled to India.

The third session of the Round Table Conference was less representative than its predecessors but the detailed information gathered by the expert committees on the subjects of federal finance, extension of the franchise, and the delimitation of new provincial frontiers, gave the Conference a definite agenda. It is not necessary to consider the work of the Conference in detail, because its deliberations did not change the course of events. Though the delegates had, to a large extent, lost their buoyancy, the Government proceeded with the scheme since it was an essential part of the "dual policy" of the Willingdon-Hoare regime. This policy consisted of repressing all Congress lawlessness on the one hand and prosecuting the plan for constitutional reform with all speed on the other.

Such a programme was assailed from both the right and the left. The extreme Conservatives in England denounced the Reforms scheme as being wholly incompatible with the Government's duty of suppressing lawlessness. The Indian nationalists, for their part, were quite irreconcilable to what, in their view, were not only inadequate reforms but to the general scheme itself. Federation they would welcome but this would have to be a federation between the self-governing autonomous provinces of British India and the Indian States, represented by elected spokesmen of the States' peoples. Federation of the variety which was now being propounded would, said the nationalists, not only prevent the attainment of independence, but would even preclude the achievement of Dominion Status. Their reason for this apprehension was that the Instruments of Accession of the Princes would be between the Crown and the Rulers and, therefore, the proposed Federal Legislature would not be a sovereign body.

The British Government's concrete constitutional proposals were published on March 18, 1933, in a White Paper which was

placed before Parliament. It is unnecessary to go into the detailed criticisms of the proposals, but it may fairly be stated that every Indian politician of any standing objected to the powers proposed for the Governor-General and the Governors, the maintenance of the Secretary of State's control over the services, and the extent of the proportion of Indian revenues that would be non-votable. Advanced opinion had been more or less prepared for the scope of the scheme, and their criticisms covered the same ground as their objection to the plan as it emerged from the Round Table Conferences.

Yet another opportunity of expressing hostility to the Federal constitution was available to the Indian leaders by attendance at the Joint Select Committee of Parliament. This was the first time that Indian delegates had been invited to confer and deliberate with the Joint Select Committee, though they could not take part in the framing of the Report. It was open to them, however, to submit their own report which, as events turned out, they did.

In the meantime Congress politics had taken an unexpected turn. Ever since his fast over the Communal Award, Mr. Gandhi had devoted himself to the problem of the Depressed Classes and his activities were concentrated on removing their disabilities. With the civil disobedience movement on the decline, the Moderates were pressing for the release of political prisoners, in the hope that normality might be restored. But Congress had not abandoned its policy of civil disobedience and the Government held that so long as its leaders still stood for an unlawful movement, the Government could do nothing that might possibly lead to its revival. The political situation seemed comparatively calm until on May 1, the Government of India received a telegram from Mr. Gandhi announcing that "for reasons wholly unconnected with Government and solely connected with the Harijan movement, and in obedience to a peremptory call from within," he had decided to undertake a three weeks' fast beginning from May 8. As we have noted, orthodox opinion resented the untouchability campaign and amongst the general public less enthusiasm had been engendered than the Congress leader desired. Even so, everyone, Government and Congress alike, was startled by the announcement of the fast. Appreciating the course to which he had apparently now devoted his life, the Government issued a communique stating that in view of the nature and objects of the fast and the attitude of mind he disclosed, the Government

had decided to set him at liberty. The same day he was released unconditionally.

The presumption that Mr. Gandhi was losing his interest in political affairs proved to be wrong for the first thing he did on being released was to reiterate his faith in civil disobedience and to make suggestions with the object of "improving" the movement. In view of the attention which would be created by his impending fast, he suggested that the acting President of the Congress should now suspend civil disobedience for six weeks and he appealed to the Government to release all prisoners with a view to establishing "real peace" in the land.

The following day the Government replied to this suggestion by stating in a communiqué that a temporary suspension of civil disobedience, intended as a prelude to peace negotiations, did not in any way fulfil the conditions which would satisfy Government that the movement had been definitely abandoned, and that there was no intention of negotiating with Congress for its withdrawal. In nationalist circles there was criticism that the Government had so swiftly rejected this "peace offer." On May 29, Mr. Gandhi concluded his three weeks' fast and his supporters and critics alike were somewhat bewildered. Indeed, within the Congress ranks considerable differences of opinion were now to be seen regarding the leadership of that organisation by one who was likely at any moment to put non-political issues first. A group of politicians who had followed him in previous campaigns now broke away and denounced the policy of non-cooperation, with its emphasis on ethical and not political considerations. In the opinion of this section, civil disobedience should be definitely abandoned and a new programme devised which would permit Congress to wage its war on the constitutional plane. Mr. Gandhi was still recovering from the effects of his fast and, in consequence, the period of the suspension of civil disobedience was extended by another six weeks.

Nationalist opinion was now drifting more and more towards the conviction that civil disobedience, although it had been the political weapon of the Congress for fourteen years, had failed to gain its object. While some steadfast supporters of this policy were willing to go to jail, serve their sentences and again break the law on their return to freedom and so go back to prison once more, the majority of the Congress leaders were of the opinion that a new line of policy must be devised which would re-kindle enthusiasm. That there was disillusionment, fear—and worse still—apathy in

the nationalist ranks was only too obvious. Those who expressed the conviction that, without prejudice to their ultimate goal, the Congress should now adopt a constitutional programme, found support on all sides; only the immediate followers of Mr. Gandhi and the extreme left-wing elements were in disagreement.

At a conference of Congress leaders held in Poona in the middle of July, a resolution was passed authorising Mr. Gandhi to seek an interview with the Viceroy "with a view to exploring the possibilities of peace," but the Government declined to be drawn, since the Congress had not formally abandoned civil disobedience. A few days later Mr. Gandhi advised the acting President, Mr. Aney, to suspend mass civil disobedience until further notice and to replace it by "individual" civil disobedience by members of the Congress, acting on their own responsibility. As a result, all mass activities were to cease for the time being. Mr. Gandhi's intention, it would seem, was that the spirit of opposition to the Government should be kept alive so that, if circumstances became more propitious, it might be possible to re-launch a mass movement. But in the opinion of those Congressmen who desired a new line of policy with which to regain popular enthusiasm, this type of action did not meet their case at all. The view that Mr. Gandhi was disheartened by the loss of faith in his chosen weapon was confirmed by the dissolution of his *ashram* at Sabarmati, near Ahmedabad. He then declared his intention of marching with some followers to the village of Ras, in the Kaira District, urging the people on the way to start individual civil disobedience. He was arrested and transported to Poona. There he was released after being served with a restraint order. As, however, he indicated his intention of disobeying the order, he was re-arrested, tried and sentenced to one year's simple imprisonment.

On the occasion of Mr. Gandhi's previous imprisonment he was a State prisoner and as soon as he began his fast in connection with the Communal Award, he was given special facilities for carrying on his work while in jail. This time he had been convicted under the ordinary law so that when he asked for special concessions to prosecute his work, the Government took the view that, as an ordinary prisoner, no special facilities could be allowed to him beyond permission to see two visitors a day and to write a specified number of newspaper articles. These concessions he considered inadequate and he announced that if he could not be permitted to work for the cause of the untouchables "without let or hindrance" life would cease to interest him. The Government were of the

opinion that if he really wished to devote himself to social reform, his release could be secured on the abandonment of civil disobedience. So, neither side yielding, he began his fast on August 16, and a week later, he was released on medical grounds.

Thereafter, the struggle in the Congress developed between those who desired an effective change of programme and those who were in favour of retaining the old policy. It may be noted that both Mr. Gandhi and Pundit Jawaharlal Nehru were opposed to the formal withdrawal of civil disobedience—though for different reasons. Pundit Jawaharlal was in favour of the Indian movement ranging itself with progressive world forces, while the older leader dwelt more on such activities as the anti-untouchability campaign.

In the meantime, the proceedings of the Joint Select Committee of Parliament were coming to an end and Sir Tej Bahadur Sapru had published his memorandum to the Committee, making definite suggestions which would, in his view, render the Reforms scheme acceptable to the bulk of opinion in India. In addition, a joint memorandum to the Committee was issued by all the British Indian delegates who were still in England when their conference with the Committee ended, urging modifications which would make the White Paper proposals acceptable.

Before entering on the last phase of our narrative, note must be taken of the judgments in the Meerut Conspiracy Case, to which reference was made on page 360. This trial lasted for nearly four and a half years and cost the Government over eighteen lakhs. In the view of the trying Judge, Mr. Yorke, India had been selected by the Communist International as a field for operation in the next advance towards world revolution and the accused in the Meerut case took part in this conspiracy, which aimed at depriving the King of the sovereignty of British India. Lester Hutchinson, the British left-wing journalist, was sentenced to four years' rigorous imprisonment. Another accused was sentenced to transportation for life and others to several years' transportation. There was an Appeal before the Allahabad High Court and all the sentences were substantially reduced and some of the accused, including Lester Hutchinson, were either acquitted or released on the imprisonment they had already undergone.[1] Deplorable as were many aspects of the trial, it should be added that the accused had contributed to its length by their obstructive tactics.

Early in 1933 the world was shocked by news of the disastrous earthquake in Bihar. For a time, this diverted attention from

[1] See *Conspiracy at Meerut*, by Lester Hutchinson.

political affairs and the Congress played an important part in the relief of the afflicted.

By now, opinion favouring Congress participation in the forthcoming elections to the Central Assembly was gathering strength. At the beginning of April a number of leaders who had met in Delhi passed resolutions urging that the All-India Swaraj Party should be revived and that the elections should be contested in order to secure the repeal of all repressive legislation and to reject all the proposals contained in the White Paper. The chief conveners of this Conference and Mr. Bhulabhai Desai then went to Patna to secure Mr. Gandhi's approval to the course of action proposed. His reply was that his own views on the utility of the legislatures remained the same but he welcomed the decision to revive the Swaraj Party. A few days later, he issued a statement suspending civil disobedience for Swaraj but reserving to himself the right, as a single individual, to remain the sole representative of civil resistance. For the future he alone would offer civil disobedience and none in his lifetime should do so without his consent.

In the meantime, the *Free Press of India* had been enlarging its publishing activities. By now it was sponsoring an English daily in Madras (the *Indian Express*) and an English daily in Bombay (the *Free Press Journal*) as well as Gujerati and Marathi newspapers. Moreover, plans were being laid for the establishment of *Free Press* newspapers in all the large cities of India. When this project became known to the newspapers in Calcutta, some apprehension was expressed by subscribers in that city regarding the propriety of a news service organisation publishing a newspaper which would enter into rivalry with the news agency's clients. Already there had been considerable unprofitable competition amongst the Calcutta nationalist newspapers, and this latest development was one which the Calcutta Press felt they could not regard with equanimity.

Hitherto, the nationalist papers in Bengal had been supporters of the *Free Press* services and if they were now to withdraw their support as a protest, the ideals of the agency with whose aims they were in sympathy would have disappeared, and the *Associated Press of India* would have regained its monopoly. In the circumstances the Calcutta editor of the *Free Press*, Mr. B. Sen Gupta, decided to sever his connection with the *Free Press* and to set up an independent organisation rather than take the risk of extinction. Thus, the *United Press of India* was born.

During the winter session of the Legislative Assembly the Indian States (Protection) Act was passed. This measure was designed to prevent unreasonable attacks on the administration of Indian States in the newspapers of British India and to provide the authorities in British India with powers to deal with bands or demonstrators organised on semi-military lines, for the purpose of entering and spreading disaffection in the territories of Indian States.[1]

The Congress' anticipation that the Viceroy would dissolve the Legislative Assembly was confirmed, when in May it was announced that there would be a general election in the autumn. Four and a half years had elapsed since the session of the Congress at Lahore had announced a programme of civil disobedience. It is no part of our object to assess the success or otherwise of that movement. It may be said, however, that two opinions exist. The nationalists naturally adhered to the view that though the Reforms scheme which finally took shape in the form of the Government of India Act of 1935 fell far short of their demands, the conservative elements in Britain would not have gone even that distance had there not been a powerful movement for self-determination in India. Many Moderates, on the other hand, were of the opinion that so far from convincing the British Parliament of the necessity for far-reaching reforms, the campaign of lawlessness on the part of the Congress only served to create dismay and suspicion with regard to the future.

The All-India Congress Committee met at Patna on May 17–18, to consider a decision which had been taken at Ranchi a few days previously, to revive the Swaraj Party as an autonomous body within the Congress. Some members of the Committee were in favour of confirming this decision while others were against the abandonment of civil disobedience and the policy of council entry. Mr. Gandhi was able to reconcile the two factions by suggesting the constitution of the Congress Parliamentary Board which was to select Congress candidates to contest the elections and exercise general control over the politics of Congress representatives in the Legislatures. The Congress Parliamentary Board thus was to act as a co-ordinating body which should not only check any fissiparous provincial tendencies but should formulate and control policy. With regard to the White Paper on the Government's legislative proposals, and the Communal Award, the Patna meeting recorded no decision.

[1] Appendix V.

The next step was taken by the Government of India when on June 6, they withdrew the ban on the Congress organisations, though that on the Red Shirt associations in the North-West Frontier Province remained. Subsequently, at a joint meeting of the Congress Working Committee and the Parliamentary Board at Bombay, a resolution was passed in connection with the Communal Decision stating that "in view of the differences of opinion on the subject among the chief communities, the Congress can neither accept nor reject the Communal Decision as long as this division of opinion lasts." A Constituent Assembly should, declared the resolution, determine the question of the representation of minorities which would mean the automatic lapse of the Communal Decision. This resolution failed to satisfy the majority of the nationalist papers which, as we have seen, were almost wholly owned by Hindus. But the Congress leaders were anxious not to alienate potential Muslim support and therefore they could not summarily reject the Communal Decision.

In the meantime the Congress Socialist Group was gaining strength and organisations were set up in Bombay, the United Provinces, the Punjab, and elsewhere and an All-India Socialist Party was formed within the Congress. So important a development within Congress ranks could hardly have been ignored by the leaders and at a meeting in Bombay the Congress Working Committee passed a resolution declaring that while welcoming the formation of groups representing different schools of thought, they deprecated talk about confiscation of private property and the necessity of class war, which was contrary to the Congress creed of non-violence. This resolution offended the Socialist group and from this period can be dated the birth of what might be termed a new left-wing within the Congress. Hitherto, the difference between the Moderates and the extremists centred round the issue of complete independence for India or a free India within the British Commonwealth. But now the Socialists were combining the ideal of a new social order with independence, an ideal which in the view of the right-wing elements could only have the effect of splitting the nationalist ranks before they had obtained their primary objective.

Meanwhile, a number of Hindus who were of the opinion that they had been sacrificed as a result of the Working Committee's resolution on the Communal Decision in order to placate the Muslims, resigned their offices in the Congress organisation. Amongst them were Pundit Madan Mohan Malaviya

and Mr. Aney. They announced that they would contest the forthcoming Assembly elections as a separate Nationalist Party but that on issues other than the Communal Award they would be at one with the Congress.

With a section of the Congress bent on council entry, another section equally hostile to this policy, the formation of the Hindu Nationalist Party, and the activities of the Congress Socialist group, the public was much confused regarding the aims of the Congress. Therefore, a meeting of the Working Committee which met in the beginning of September re-defined the goal of the Congress as *Poorna Swaraj*, which included "unfettered national control over the Army and other defence forces, External Affairs, fiscal and commercial matters, and financial and economic policy". A few days later Mr. Gandhi indicated his intention of retiring from the Congress after the plenary session at Bombay in the following month (October). He explained that spinning and *khadi* were not regarded by all as an integral part of the Congress programme and that with many, non-violence was only a matter of policy, whereas with him it was a fundamental creed. Many Congressmen, he declared, though they differed from him, followed him blindly and felt a sense of oppression. It was bad for the organisation to be dominated by one personality. He also drew attention to the growing corruption within the Congress and said that he proposed to move two amendments to the Congress constitution at the forthcoming annual session.

Mr. Gandhi carried out his intention at the meeting of the Congress in Bombay. With regard to its reorganisation, it was decided to restrict the number of delegates to the annual sessions to two thousand and the total membership of the All-India Congress Committee to one hundred and sixty-six, about half the previous number. This step was taken in order to make the annual session less of a demonstration and more of a constructive party conference.

The elections to the Assembly took place early in November and the Congress won an unexpectedly large number of seats. Their representation was forty-four while the Nationalist Party gained eleven seats, the Independents twenty-two and the European Group eleven. In 1926, the Swarajist Party held fifty seats but since the Nationalist Party of 1934 was at one with the Congress on every issue except that of the Communal Award, the Congress could count on the support of some fifty-five members.

Shortly after the general election, the Report of the Joint Parliamentary Committee on Indian Constitutional Reform was published; more than eighteen months after the contents of the White Paper had been made known. It is not necessary to go into the detailed criticism of the Report or, indeed, even into the reactions of the various parties. It was denounced by almost all sections of Indian political thought. At the same time, opinion was at variance regarding the practical action that should be taken. The Congress rejected the scheme proposed, while the Liberals declared that any constitution based on the lines of the Report would be wholly unacceptable to all shades of Indian political opinion and that, therefore, they did not want any legislation based upon the Report. A conference of Muslims, while characterising the Report as disappointing, took the view that the best course for Indians was not to reject the coming reforms but to make a united effort to attain full responsible Government. Emphasis was laid on two subjects; the safeguards and reservations, and the omission of any definition of India's ultimate constitutional goal.

The same objections were stated when later the Report of the Joint Parliamentary Committee was substantially embodied in the Government of India Bill when it was placed before the House of Commons and the Legislative Assembly. It is unnecessary to enter into the main objections to the proposed legislation; since the Bill became law on August 2, 1935, it has been subjected to the most detailed criticism.

Sir Tej Bahadur Sapru and his followers amongst the Moderates had declared that it would be calamitous if the two parts of the Government of India Act—that relating to Provincial Autonomy and the provisions connected with the Federation—were put into operation at different times. This view was based on the fear that once autonomous provinces were working, and the co-ordinating power of the Central Government had automatically declined, centripetal tendencies would assert themselves and it would be extremely difficult for the Central Government to re-establish its authority. It was felt, moreover, that the longer the gap, the greater the number of opportunities would be afforded to the States to delay the final inauguration of Federation.

These views were fully considered by the British Government and the Government of India. On the one hand, they were confronted with the necessity of drawing up the Instruments of Accession which would be acceptable to some hundreds of States. On the other hand, they were faced with the prospect of engaging

the interest of political opinion which had been urging, by every possible means since 1919, the necessity of radical constitutional changes. The Congress had already returned to the path of constitutional agitation and it was felt to be imperative that the energies directed should be devoted to constructive work at the earliest opportunity. It was decided, therefore, on balance, to risk the objections to introducing the Reforms in two sections, and to inaugurate Provincial Autonomy on April 1, 1937.

The struggles of the six preceding years had had a profound effect on national morale. It was with difficulty sometimes that the unprejudiced observer attempted to understand the different phases of nationalist policy. In many respects the apprehensions of Dr. Besant, who had passed away in 1932, were fulfilled. The disrespect for law and discipline which the civil disobedience movement had automatically encouraged spread from the strictly political plane to other spheres. Moreover, the changes in the Congress attitude from non-cooperation to co-operation and once again to non-cooperation led not only to a confusion in method but to a confusion in aim. Many people reconciled their intellectual difficulties in this regard by surrendering their judgment to that of Mr. Gandhi. Indeed, one of the most noticeable features of the Indian-owned press of this period was its advocacy of the proposition that Mr. Gandhi could do no wrong.

The *Free Press of India* news agency had collapsed in the middle of 1935. Weakened by protracted litigation, the organisation was unable to withstand the blow when the Bombay Government forfeited securities totalling Rs. 20,000 which had been deposited by the printer and publisher of the *Free Press Journal* under the provisions of the Indian Press (Emergency Powers) Act. The *Indian Express* and *Dhinamani* of Madras, which were part of the *Free Press* group, survived, however, under different management.

The elections to the new Provincial Legislatures were held between January and February, 1937, and they resulted in clear majorities for the Congress in Bombay, Bihar, the Central Provinces, Madras, Orissa and the United Provinces. The problem which now confronted the Congress was whether it should assume responsibility for Government in the provinces where it had a majority. A Congress Party Convention met at Delhi on March 19, and Pundit Jawaharlal Nehru, the Congress President, declared that "this Constitution must go, lock, stock and barrel. What counts to-day for us is to break and end this Constitution." The meeting, however, authorised Congressmen

to accept office in the new Provincial Legislatures by one hundred and twenty-seven votes to seventy, the majority of the dissentients being Socialists. A few days later, though, the Congress reconsidered its decision and announced that it would not co-operate in the work of Government unless the Governors gave undertakings not to use their special powers to hinder the carrying out of the Party policy. As that policy aimed at ending the Constitution it was obvious that the Governors could not accept this condition the more so since their powers were mandatory.

In consequence of the attitude of the Congress, minority interim Ministries were formed in Madras, Bombay, the Central Provinces, Orissa, Bihar and the United Provinces. In Bengal, the Punjab, Sind, Assam and the North-West Frontier Provinces, coalition Ministries were formed, with preponderating Muslim representation.

Clearly, the whole purpose of the new Constitution was being defeated by the inability of the Government and the Congress to come to terms and it was suggested that the Viceroy should meet Mr. Gandhi with a view to finding some measure of agreement. The latter himself invited the Secretary of State to appoint an arbitration tribunal of three judges, of whom one was to be appointed by the Congress and one by the British Government, with power to the two to appoint a third, to decide whether it was competent for the Governors to give the assurance required by the Congress. The tribunal could also decide the question of the legality of the existing Ministries. He amplified his viewpoint by saying that what the Congress leaders wanted was an assurance of non-interference in day-to-day administration. The British Government did not see its way to agree to the proposal for an arbitration tribunal but made it clear that the Government had no intention of countenancing use of the Governors' special powers for any other than the purposes for which Parliament intended them. It was certainly not the intention of the Governors to trench upon the wide powers which Parliament had placed in the hands of Ministries.

While this controversy was being pursued, the interim Ministries were functioning. The situation was, however, far from satisfactory since such Ministries could only function for six months and at the end of that period either the Legislatures would have had to be dissolved or the Governors would have had to rule with the use of their special powers. On June 21, the Viceroy, Lord Linlithgow, after consultations with His Majesty's Govern-

ment, delivered a message to India the main points of which were:

> "Statements by responsible party leaders have made it clear that genuine misapprehensions and misunderstandings existed three months ago in certain quarters as to the relations of Governors to their Ministers and the extent or manner in which Governors would be likely to interfere with the day-to-day administration. Three months' experience of the operation of the Constitution has shown that the specific assurances from the Governors sought by Congress are not essential to the harmonious working of the Constitution. In every province Ministers have been able to test by practical experience that the co-operation and assistance of the Services are at their disposal . . . Apprehensions that Governors will seek occasions for interfering with the policy of their Ministers, or for gratuitous and uncalled for exercise of their special responsibilities, have no justification, nor is there any foundation for the assertion that the Governor is entitled under the Act at his pleasure to intervene at random in the administration of the province. The Governors' special responsibilities are restricted to the narrowest limits possible. A Governor will at all times be concerned to carry his Ministers with him. On an issue arising where no agreement can be reached, then the Ministry must either resign or be dismissed."

In response to this appeal the Working Committee of the Congress resolved at a meeting at Wardha on July 7, to permit Congressmen to accept office where they might be invited, but to make it clear that office was to be accepted and utilised for the purpose of promoting in every possible way the Congress policy of combating the new Constitution Act on the one hand and of prosecuting a constructive programme on the other. The resolution of the Working Committee referred to the doctrine of partnership which had been propounded in some of the Government's statements and declared that the proper description of the existing relationship between the British Government and the people of India was that of exploiter and exploited, and hence they had a different outlook upon almost everything of vital importance. The Committee felt, however, that the situation created as a result of circumstances, and events that had since occurred, warranted the belief that it would not be easy for the Governors to use their special powers and that it had, therefore, come to the conclusion that Congressmen might be permitted to accept office.

As a result of this resolution, the Governors of Bombay, Bihar,

the Central Provinces, Madras, Orissa and the United Provinces invited the Congress leaders to form Ministries within their respective provinces and their invitations were accepted. Two more provinces later joined the Congress *bloc*, those of the North-West Frontier Province and Assam. Such was the position when war was declared in Europe on September 3, 1939.

Before concluding this chapter, mention must be made of the efforts which the Government of India had directed towards maintaining contact between the Press and the Government. Professor Rushbrook Williams had been Director of Public Information with the Government of India from 1923 until the end of 1925, after having been Professor of Modern Indian History at Allahabad University between 1915 and 1919. He was succeeded by Professor Coatman[1] previously of the Indian Police, and he, in turn, was followed by Mr. I. M. Stephens, who later joined the staff of the *Statesman* of Calcutta.

The Round Table Conferences had provided valuable opportunities for the authorities in London to appreciate the problems peculiar to the Indian Press and in 1935, and again in 1936, Mr. Alec Houghton Joyce (now the Principal Information Officer at the India Office), who had served at the Conferences, was seconded to the Government of India for the purpose of reorganising the Bureau of Public Information. Mr. Joyce's efforts resulted in a number of innovations, the chief being that Indian journalists were, for the first time, treated on an equal footing with their Anglo-Indian colleagues. In addition, a journalist (Mr. Jossleyn Hennessy) was appointed Director of the Bureau of Public Information on the grounds that an experienced newspaperman could best appreciate the needs of the press.

[1] Author of *Years of Destiny*.

CHAPTER EIGHTEEN

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SCIENTIFIC AND TECHNICAL JOURNALISM

IF Hicky and Buckingham could re-visit the scenes of their Indian struggles they would probably be most surprised not by the political advances which have taken place, but by the changes wrought by science. Buckingham had always been interested in mechanical inventions and he foresaw aerial communication. It is doubtful, however, whether he could have visualised the output of scientific and technical journalism which exists in India to-day.

Just as the development of political journalism is bound up with the spread of literacy, so is the scientific and technical press linked to the evolution of scientific and technical education. In any survey of this aspect of the press, therefore, it is necessary to enumerate briefly the agencies which have contributed towards the development of these interests.

The Asiatic Society of Bengal (now the Royal Asiatic Society of Bengal) was founded by Sir William Jones in 1784, and it published a *Journal* which contained articles dealing with the various scientific interests of the members. In course of time, three kindred societies were established. The first was the Agricultural Society of India (now the Royal Agri-Horticultural Society of India) which was founded in 1820 and three years later included horticulture in its interests. Then about 1833 the Madras Literary Society and Auxiliary of the Royal Asiatic Society was established. This organisation published a journal at first known as the *Journal of Literature and Science* and later as the *Madras Journal of Literature and Science*. Their publication appeared irregularly and ceased in 1894. The third society was the Bombay Natural History Society, founded in 1863; the Society's *Journal of Natural History* has been published ever since 1886. Mention should also be made of the first ornithological magazine started by bird-lovers in India under the editorship of A. O. Hume, one of the founders of the Indian National Congress. The title of the publication was *Stray Feathers*. It began in 1873 and continued until 1899.

In addition to the publications of the learned societies, the scientific departments of the Government of India have periodically published papers covering the departments' original researches. Briefly may be mentioned the Meteorological Survey

which was started in 1796 at the Madras Observatory which had been built four years earlier. The Alipore Observatory was founded in 1875 and the Colaba Observatory in 1841. A Meteorological Reporter for India was appointed in 1875, but this post is now known as the Director Generalship of Observatories. In 1851 the Geological Survey of India was established, the Archæological Survey began in 1862, the Medical Research Organisation in 1869, the Trigonometrical Survey in 1800 (since 1878 known as the Survey of India), the Botanical Survey in 1889 and the Zoological Survey in 1916. All these Departments have published Reports and Memoirs embracing the natural resources of the country.

From the learned societies and Government Departments we turn to the teaching institutions. The Universities of Calcutta, Bombay and Madras were founded in 1857, Punjab University in 1882 and Allahabad University in 1887; medicine and engineering were the chief sciences taught. With the increased demand for higher education, other Universities were founded and, in addition to those already mentioned, there are now Universities at Delhi, Agra, Nagpur, Aligarh, Lucknow, Dacca, Patna, Hyderabad (Deccan), Benares, Mysore and the Andhra and Annamalai Universities. It is needless to emphasise what effect the development of educational facilities has had on the spread of technical knowledge and interests. The various scientific associations, headed by the Indian Science Association, bear testimony to the ever increasing interest in scientific and technical subjects. In addition, organisations such as the provincial Departments of Agriculture, the Technological Laboratory of the East India Cotton Association at Bombay, the Jute Research Laboratory at Calcutta, and the Haffkine Institute at Bombay, are all contributing to scientific and technical literature.

What are the leading publications in this field of journalism? Let us first take agriculture, the main occupation of the people of India. The chief Government institutions devoted to the development of agriculture and animal husbandry are the Imperial Agricultural Research Institute, founded at Pusa in 1903 and transferred to New Delhi in 1936 after the Bihar earthquake; the Sugarcane Breeding and Research Station, Coimbatore, founded in 1912; the Imperial Dairy Institute at Bangalore, established in 1920 and the Imperial Veterinary Research Institute, founded at Poona in 1890 and two years later transferred to Muktesar. The Imperial Council of Agricultural Research which meets at New

Delhi and was established in 1919, co-ordinates these various activities. In addition, there are the provincial Departments of Agriculture, already mentioned, and the Agricultural Colleges at Coimbatore, Lyallpur and Cawnpore.

The output of literature from these institutions is considerable and takes the form of Reports, scientific monographs, bulletins and periodical journals. In the last-named category may be noticed *Agriculture and Livestock in India*, *Indian Journal of Agricultural Science*, the *Indian Journal of Veterinary Science and Animal Husbandry* and the *Madras Agricultural Journal*.

Amongst non-official publications may be mentioned the *Allahabad Farmer*, published bi-monthly, and the quarterly *Planters' Journal and Agriculturist* of Calcutta.

The Government of India is also responsible for the Forest Research Institute at Dehru Dun from which the *Indian Forest Records*, bulletins and informative leaflets are published. The various provincial Forest Departments also publish bulletins and reports. At present the only non-official publication in this field is the *Indian Forester* of Allahabad.

Mention has already been made of the publications of the various Surveys of India. Amongst the non-official publications devoted to geology, reference may be made to the quarterly *Journal of the Geological, Mining and Metallurgical Society of India* as well as the Bulletins and Transactions of this Society, the *Calcutta Geological Review*, published bi-annually by the Calcutta Geological Society, and the *Tisco Review* published by the Tata Iron and Steel Company.

Two Government research organisations deal with irrigation engineering, the Irrigation Research Institute at Lahore and the Central Board of Irrigation at Simla; the latter issues a quarterly bulletin for circulation amongst its own members. The Institution of Engineers (India) and the Indian Engineering Congress sponsor a number of publications—the former a quarterly *Bulletin* and an annual *Journal*, and the latter its annual *Proceedings*.

Private enterprise, however, is responsible for the bulk of engineering literature. The monthly *Indian and Eastern Engineer* and *Indian Engineering*, both published in Calcutta were, as we have seen, established in the nineteenth century. The *Indian Electrical Times* is also published in this city while Bombay has a weekly, the *Engineer*, and Allahabad a monthly, *Engineering News*. In addition, the Association of Engineers publishes a quarterly *Journal* from Calcutta.

Medical journalism covers a wide field. There are a number of medical research institutes in India, mostly under official direction. The chief of these are the Central Research Institute, Kasauli, the Malaria Survey of India, Delhi, the All-India Institute of Public Health and Hygiene, Calcutta, the Haffkine Institute, Bombay, the King Institute of Preventative Medicine, Guindy, Madras, the Pasteur Institute of Southern India, Coonoor, the King Edward VII Pasteur Institute and Medical Research Institute, Shillong, the Calcutta School of Tropical Medicine and the Indian Research Fund Association, which co-ordinates medical research. The following are the chief medical journals, official and non-official, published in India: the *Indian Journal of Medical Research* (monthly) and the *Indian Medical Research Memoirs*, published by the Indian Research Fund Association, the Patna *Journal of Medicine*, the *Calcutta Medical Journal*, the *Indian Medical Gazette*, published monthly by the Calcutta School of Tropical Medicine, the monthly *Indian Medical Record* of Calcutta, the quarterly *Madras Medical Journal* and the monthly *Journal of the Malaria Survey of India*. In addition to these professional publications, a number of popular medical magazines, treating health problems from the point of view of the layman, have recently appeared on the market.

Scientific papers covering a wide field are also sponsored by the National Institute of Sciences of India which was established by the Indian Science Congress in 1935. This is a co-ordinating body; its *Proceedings* are published annually, the *Transactions* monthly, and the *Abstracts* periodically.

Science and Culture which is published monthly at Calcutta is the official organ of the Indian Science News Association founded in 1935. This journal is of a semi-popular nature and is intended for the educated layman as well as the student and teacher of science. A section of the journal is devoted to the application of science to industry. *Current Science*, published monthly at Bangalore since 1931, is another general science journal covering both theoretical and applied science. The Indian Association for the Cultivation of Science (founded in 1870) and the Indian Physical Society are jointly responsible for the *Indian Journal of Physics*.

Five journals are devoted to mathematics and statistics, the quarterly *Journal of the Indian Mathematical Society* (Poona), the *Mathematics Student*, the *Bulletin of the Calcutta Mathematical Society*, and the *Proceedings of the Benares Mathematical Society*.

The quarterly *Sankhya* is the organ of the Indian Statistical Institute, founded in Calcutta in 1931.

There are four non-official societies in India connected with pure and applied chemistry and their respective organs are the monthly *Journal of the Indian Chemical Society*, founded at Calcutta in 1924 (of which an industrial supplement is published quarterly), the *Proceedings of the Institution of Chemists (India)*, issued quarterly, the *Proceedings of the Society of Biological Chemists* (Bangalore), issued quarterly, and the *Proceedings of the Bio-Chemical Society*, Calcutta. Private enterprise is responsible for the monthly *Chemical News* which is published at Amritsar by Messrs. Shambhu Nath, Chemists, and deals with Indian chemical industries.

Reference has been made in a previous chapter to *Capital* of Calcutta, an old established journal devoted to Indian commerce and general financial subjects. Similar publications are the *Financial News* of Bombay, and *Commerce* of Bombay, originally of Calcutta. The *Indian Textile Journal* of Bombay has been in existence since 1890 and, as its name implies, is devoted to the development of the Indian cotton textile industry.

Since they are specialist, though not technical, mention should be made of the rapidly increasing number of magazines devoted to cinema interests. There is also one radio magazine, besides the Government of India's official programme organ, the *Indian Listener*.

The scientific journalism of India has an international aspect since about twenty of the journals which have been named are regularly abstracted by the leading British and American abstracting journals; some thirty others are occasionally abstracted. Thus, about half of the scientific journals published in India are calculated to contain original matter.

Limited circulations and consequently restricted financial resources handicap Indian technical journalism, as indeed the whole of the press. Of recent years free-lance journalists on scientific subjects have been contributing to the general press articles of a popular nature. And two agencies, one at Lahore and another at Calcutta, collect news items of scientific and technological interest. The latter organisation (the Indian Science News Association) has already been mentioned. The former (the Science Press of India) distributes news items on an agency basis. As soon as Indian journalism becomes less concentrated on political questions, there is likely to be considerable scope for news and

feature articles on scientific subjects. Hitherto, the *Illustrated Weekly of India*, of Bombay, has been the chief market for such articles and no popular scientific magazine has yet achieved any circulation.

CHAPTER NINETEEN

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DEMOCRACY AND THE PRESS

It is an obvious fact that the development of democratic ideals in India is bound up with the future of the press and the various interests it serves. A brief survey of the newspapers in the different provinces is necessary, therefore, in any estimate of the forces which are to-day shaping and moulding public opinion.

In consideration of the fact that Bengal has played so prominent a part in newspaper history, it is appropriate to begin with that province. The most widely circulated newspaper in Calcutta is the Bengalee *Ananda Bazar Patrika*, edited by Satyendra Nath Mazumdar. It supports the Congress and the Hindu viewpoint on communal questions. The same may be said of its English associate publication, the *Hindustan Standard*. From a circulation standpoint, the *Statesman* is the next most popular newspaper. Edited by Mr. W. Arthur Moore, its proprietors include Lord Catto and Lady Yule. This paper is independent and has been critical of the British Government and Congress alike. A close rival is the *Amrita Bazar Patrika*, edited by Tushar Kanti Ghose, and owned by a company which includes descendants of the founders of this journal. It is pro-Congress and, like the *Ananda Bazar Patrika*, supports the Hindu attitude on electoral representation. Another English-printed paper of the same persuasion is *Advance*, edited by Brojendra Nath Gupta, a publication which took a prominent part in the controversy between Mr. Subash Chandra Bose and Mr. J. M. Sen Gupta by supporting the latter. Mention should also be made of India's most celebrated monthly, the *Modern Review*, founded in 1907 and edited with distinction by Mr. Ramananda Chatterji. This magazine, which is also devoted to literary and social topics, supports the Congress Right wing in politics. There is only one English printed newspaper representing the view of the Muslim League, the *Star of India*. On the other hand, there are at least six daily, weekly and monthly papers in Indian languages following the League's policy. Orthodox Hindus have powerful organs in *Bangabasi* and *Basumati* and there are a number of other Congress periodicals, some of them supporting the Socialist cause.

Although the present Government of Bengal is mainly composed

of members of the Muslim League, the provincial press is overwhelmingly in favour of the Congress, and Hindu-owned; recently, the Bengal Government attempted to influence this disequilibrium by granting a subsidy to a Muslim paper, an action which met with strong protest on the part of the Hindu newspapers. A noteworthy consideration is the importance of the Bengalee Press, inheritors of the traditions founded by Raja Ram Mohun Roy and his successors.

The most widely circulated newspaper in Bombay is the *Times of India*, edited by Mr. Francis Low. This paper generally supports the policy followed by the Indian Liberals and on foreign affairs upholds the viewpoint of the British Government. To the *Illustrated Weekly of India*, edited by Mr. Stanley Jepson, belongs the distinction of claiming the largest circulation in India. This weekly journal contains articles, written in India and overseas, of social, popular scientific, literary and artistic interest. Both these publications, together with the *Evening News of India*, are owned by Bennett, Coleman and Company.

The chief supporter of the Congress is the *Bombay Chronicle*, edited by Mr. S. A. Brelvi, although the *Bombay Sentinel*, an evening newspaper printed at the same establishment and edited by Mr. B. G. Horniman, is keenly critical of the Congress. The weekly *Kaiser-i-Hind* leans towards Congress as does the *Bombay Samachar*, which is, as we have seen, the oldest Gujerati daily in Bombay. The Anglo-Gujerati, *Jam-e-Jamshed*, on the other hand, is anti-Congress. Edited by Mr. Gandhi's secretary, Mr. Mahadev Desai, the weekly *Harijan* of Poona is one of the best-known periodicals in India. It was originally intended to advance the cause of the Depressed Classes but in recent years has been the vehicle of Mr. Gandhi's reflections on political issues and, because of the importance of his utterances, his articles have been reproduced in practically all newspapers.

Indian languages used by Bombay presidency newspapers are Gujerati, Marathi, Urdu, and Kanarese. The majority of the Hindu-owned papers are pro-Congress. Socialist theories have a number of exponents while the Labour organs tend towards communism.

In the Central Provinces the Servants of India Society's organ, *Hitavada*, published tri-weekly, is influential and expounds the Liberal viewpoint. The provincial press in Hindi and Marathi mostly supports the Hindu Mahasabha policy.

Circulations in Assam are small but the majority of the newspapers, one daily and the others weekly, support Congress. In

Bihar the leading organs are the *Indian Nation*, which upholds the interests of the Bihar landowners, and the *Searchlight* which is generally pro-Congress.

The well-informed *Hindu*, edited by Mr. K. Gopalan, is the leading newspaper of Madras. Though not uncritically, it usually supports the official Congress policy. Another Congress supporter is the *Indian Express* as is also its Tamil associate, *Dhinamani*. European business interests are represented by the *Madras Mail*, edited by Mr. A. A. Hayles. Mr. Natesan's monthly *Indian Review* advocates the Liberal viewpoint and *Justice*, which is anti-Congress, that of the non-Brahmins. *Swadesamitran*, another Tamil daily, supports the Congress Right wing.

In Delhi the widest circulation has been achieved by the *Statesman*, an independently printed version of the Calcutta paper of that name. The *Hindustan Times*, edited by S. N. Bharati, is a well-supported Congress organ. Another newspaper of this persuasion is the *National Call*, edited by J. N. Sahani. Papers published in Urdu and Hindi represent the Muslim League and the Hindu Mahasabha viewpoint respectively. An exception is the bi-weekly *Al-Jamiat*, the organ of the Jamiat-ul-Ulema-i-Hind, a nationalist Muslim organisation which supports the Congress. The dailies, *Tej* and *Vir Arjun*, the one published in Urdu and the other in Hindi, both uphold the Congress.

In the Punjab the *Civil and Military Gazette* represents conservative British views. The paper is edited by Mr. E. H. Hardy. A journal of similar circulation is the *Tribune*, edited by Mr. K. N. Roy. Though strongly nationalist, this publication does not withhold support from the present Punjab Government, a member of which is a Trustee of the *Tribune*. The *Daily Herald* advocates Hindu communal interests. The press in Indian languages, Urdu, Hindi and Gurmukhi, represents various Muslim, Hindu and Sikh sectarian viewpoints.

Three English dailies are printed at Karachi, the *Sind Observer*, the *Karachi Daily* and the *Daily Gazette*. The last-named is Liberal while the other two papers are pro-Congress. Apart from the Muslim-owned papers, the press in Sindhi is largely in favour of Congress.

In the United Provinces, the *Leader* of Allahabad, edited by Sir C. Y. Chintmamini, is a Liberal organ which has been critical of the Congress administration. The official Congress journal is the *National Herald* of Lucknow, while landowning and business interests are represented by the *Pioneer*, edited by Mr. Desmond

Young. There are also a number of Hindi and Urdu periodicals, advocating the cause of either the Congress or the Muslim League.

In the North-West Frontier Province there is only one weekly paper published in English, the *Khyber Mail*. Its attitude is moderate. There are a number of nationalist newspapers in Urdu and Pushto.

Newspapers are published in Hyderabad State, Cochin State, Aundh, Baroda, Bhopal, Gwalior, Kashmir, Kolhapur, Mysore, Pudukkottai and Travancore. The majority of them are in Indian languages and their influence does not extend beyond State territory. Newspapers in British India, on the other hand, have been deeply interested in Indian State affairs.

It will be seen that an overwhelming number of papers uphold the Indian National Congress though since the formation and resignation of the Congress ministries in eight provinces a more critical tendency has been evinced than hitherto existed. During the 1937 election campaign assurances were given by Congress leaders that legislation enacted by former administrations to repress the Congress movement would, so far as possible, be rescinded. In furtherance of this policy, the Congress, on assumption of office, repealed, among other measures, those which had been designed to restrain the press and, in certain cases, refunded securities. At the same time, the problems which caused their predecessors to promulgate these measures still remained. In Bombay, for example, there was communal tension between Hindus and Muslims, provincial rivalry between Maratha and Gujerati, and economic friction between the mill-workers on the one hand and the mill-owners and the authorities responsible for law and order on the other. Indeed, on July 29, 1937, shortly after their assumption of office, the Bombay Government found it necessary to issue a statement declaring that they would deal promptly with those who were concerned with attacks, insinuations and alarmist reports spread against any community. They hoped that members of all communities would co-operate with the Government and establish peace and harmony between all communities by refraining from such attacks and insinuations or reports.

On February 5, 1939, the then Premier of Bombay, Mr. B. G. Kher, had occasion to make a further statement on the subject of the press. He declared that while the Government fully recognised the need of giving full freedom to the press, it could not permit deliberate attempts made by newspapers and individuals

to embitter relations between the sister communities, or to incite the communities to act in a way which was bound to result in a breach of the peace. Mr. Kher added that they had long been familiar with articles in a certain section of the press which had the tendency to rouse hatred and antipathy among Hindus, Muslims and other communities in the country. This was unfortunate enough, but he had noticed in the last few days articles appearing in the press which tended towards creating feelings of enmity between the Marathi and the Gujerati communities also. Recent writings in some of the newspapers and the speeches of some leaders had made it necessary for him to draw the attention of the press and the public to the Government's previous warning of July, 1937. Nothing had happened since then to change the policy of the Government in this regard. On the contrary, he felt that the writings and speeches had fully justified the policy enunciated by the Government.

Similar problems occupied the attention of the Government of the United Provinces. The outlook of that administration may be summed up in the words of the former Premier, Pundit Govind Ballabh Pant, who declared that he looked upon the press as an essentially integral part of a cultured, civilized and progressive society and as a coadjutor. He added:

> "There are two ways of dealing with the Press. One may adopt the line of co-operation or that of coercion. We on our part have chosen the former, and that seems to me to be the only sensible and appropriate course, especially if we have a true regard for democracy and a keen and real desire to uphold the civic liberties of individuals and of the community. The Government has tried its best to uphold them.
>
> As you are aware, immediately after assuming charge of our present office, we removed all restrictions from the Press. We cancelled the securities which had been taken under the Press Act and refunded whatever money we had with us.
>
> I must also confess with a certain amount of regret that some of the papers have not been as just and dispassionate in their dealings, in their outlook and in their methods of approach as one can reasonably expect responsible organs of public opinion to be. Sometimes unjustified attacks have been made. That is not a very rare occurrence. Perhaps public men have occasionally to face criticism which is not very fair, but people have gone beyond that and sometimes the way they have dealt with matters concerning ourselves seemed to indicate a certain spirit of malice. That too, I assume, is not in any way considered by decent journalists.

But some have gone even further. Facts have been misrepresented, allegations have been made which had absolutely no foundation and stories have been circulated which were no better than fiction. They had a certain vicious tendency in them, and on certain occasions it looked as though there was, I need not say depraved, a deliberately unedifying, purpose before those who had recourse to such methods. . . .

But what I would ask you to do even more than this is to keep an eye on your own colleagues. If, assuming for a moment, papers go on inciting communal hatred or saying things which tend to exacerbate feelings and embitter relations between different sections of the population, then what would you like us to do? If papers go on expressing ideas which are not likely to raise but to drag down sections of the community, what would you advise us to do? If we are asked to intervene, then our methods, as you can easily understand, can be only those which are available to us under the law. These methods are not to our liking. I have already told you that we have taken pretty good care not to make use of them."

Of the reality of the problem which faced the Congress there can be no doubt and Congress organs, such as the *Hindustan Times*,[1] have not minimised the difficulties. The paper admitted:

"Difficult as are the relations between the Press and the Government in the best of circumstances, they are proving particularly so now, in the new autonomous provinces. So far as the non-Congress provinces are concerned, they are going on as if the new change meant nothing to them. The Congress provinces, on the other hand, have set up a new standard, more consistent with practice in democratic countries. Even though restrictive laws continue to adorn the statute book through the good offices of the Central Government, they have, in most cases, refused to avail themselves of the powers thus placed at their disposal, and refunded all the securities levied from the Press, during the previous regime. The responsible section of the Press has reciprocated this feeling of friendliness and continued to discharge its main functions, without trying to create difficulties for the Government, or indulging in conduct likely to disturb the public peace. But there is a less responsible section which has reacted less favourably. This section appears to imagine that the present Provincial Governments, being popular Governments, can be attacked with greater impunity than the older bureaucracy, and, consequently, is resorting to less scrupulous methods in doing so. The communalist Press is also indulging in the systematic propagation of class hatred, mistaking the liberty allowed by the Government for licence."

[1] 3 December, 1938.

The *Hindustan Times* concluded that:

> "Responsible government does not merely mean the return of a popular Government, but the continual subjection of that Government to popular pressure, so that it may act continually in accordance with the wishes of the people. Thus, democracy places on the Press the responsibility of continual vigilance in order to see that the Government functions in the real interests of the people and in accordance with their wishes. But, if the Press itself sets an ignoble aim before it, it can lay claim to no privilege in the sacred name of the freedom of the Press. The Press can have no special right or privilege which the ordinary citizen does not possess."

Until their resignations in October, 1939, Congress governments were able to function without the use of special measures in dealing with communal and labour unrest. When the Bombay Government attempted to impose restrictive measures on the press of that province, as a result of objections to their prohibition policy, there was a public outcry and the attempt to muzzle the press was abandoned.

From the Congress we may now turn to what is still called the Anglo-Indian Press. The policy of these newspapers has crystallised, contrary to some expectations, into one of supporting where possible the government of the day, whether Congress or otherwise. The only major issue on which this section of the press has presented an emphatic opposition to the Congress was in connection with that organisation's policy regarding the Indian States. And even here differences have not arisen over opinions regarding the desirability of democratising the administration in the States, but only in the Congress method of approach to the problem and their attacks on representatives of the Paramount Power.

Political sagacity, self-interest, and a genuine desire to serve have all played a part in the formulation of the attitude of the Anglo-Indian Press. They had to function in provinces where the law was administered by popular Governments and they had also to retain the goodwill and support of their readers, the overwhelming majority of whom are, of course, Indians. It is not altogether improbable that, in course of time, the Anglo-Indian newspaper, as it has been known for the last hundred and fifty years, may disappear. The *Pioneer* of Lucknow has been in Indian hands for some years. The *Times of India* of Bombay is owned by a private company (Messrs. Bennett, Coleman and Company

Limited) but it is registered in India and according to the conductors of the paper "its shareholders consist mostly of present and past employees of the firm, many of whom are Indians. The policy of the Directors is to afford both Indian and British members of the staff every opportunity of becoming shareholders, so that they may be identified financially and otherwise with the progress of the Company."

Time was, as we have seen, when there were two or more Anglo-Indian journals in the chief cities but, with the ascendancy of the Indian-owned press, it was realised that there was only scope for one Anglo-Indian journal in each centre and thus the number was reduced.

There remains now but the solitary well-known organ of the Liberal Party. The *Leader* of Allahabad from its inception has been a constitutional, progressive journal and it has never countenanced the policy of non-cooperation or civil disobedience. Indeed, as early as 1920, Mr. Gandhi declared "no newspaper has combated my views on non-cooperation with so much pertinacity and ability as the Allahabad *Leader*. It has ridiculed my views on lawyers expressed in my booklet, *Indian Home Rule*, written by me in 1908."[1]

Let us now glance at the financial background of the Indian Press. Throughout this study the minimum emphasis has been placed on this aspect, since the chief object has been to trace the evolution of ideas and events which have led to the achievement of the present degree of liberty of expression. At the same time, it is necessary to remember that newspapers in India do not yield large profits and for many of them existence is very precarious. Restrictive legislation has, in the past, made the business of a newspaper conductor extremely hazardous and there are very few instances of papers being founded with the object of making money. Though tending to increase, salaries accorded to journalists working for Indian newspapers are generally much below the "market value" of the men employed. To some extent, this is due to the lack of a professional organisation. Indeed, there has ever been slender co-ordination of activities amongst the Indian Press. Several abortive attempts have been made in the past to form a professional body, representative of the entire press, which would have the authority to present their views on various matters to the Government. Recently, however, such an organisation has been established—the Indian and Eastern Newspaper Society.

[1] *Young India*, August, 1920.

CHAPTER TWENTY

CHAPTER TWENTY

CONCLUSION

THE pages which have gone before have traced the growth of what Lord Lytton described as an exotic, planted as it was in a foreign soil and clime, claiming protecting shelter and fostering care. We have seen something of its germination in its native environment and its transplantation to a country where the conditions were entirely different. And yet in its complete fruition the full-grown plant, notwithstanding the different surroundings, is almost identical with the parent. The struggle which has brought it to its present degree of maturity has resulted in the Indian Press possessing in practice a liberty of expression as comprehensive as that of any other country, though the Central Government possesses wide restrictive powers.

This does not mean that there is complete freedom to say and publish anything, for obviously the individual must be protected against those who might use the weapon of publicity for unworthy objects. It does mean, however, that there is as great a latitude for legitimate criticism of the acts of public men as is compatible with the rights of the individual. This liberty has been earned step by step. Contributions have been made by adventurers, earnest reformers, and far-seeing administrators. When it is remembered that men in the position of Lord Hastings, Macaulay, Metcalfe and Bentinck were representatives of a bureaucratic regime, it will be appreciated that the ideals for which they worked were far greater than those of merely efficient government. There were occasions when an administrative act might have simplified the immediate problems of the executive, but it might have denied the ultimate ideal of the continued enlargement of life of the individual.

World conditions to-day have jeopardised this supreme ideal. Experience of totalitarianism leaves no doubt that once liberty is lost, nothing short of a revolutionary situation would seem to hold out any prospect of its return. But revolution and liberty are contradictory terms and once the tide begins to turn in favour of totalitarianism, the end of liberty of expression is in sight. Great responsibilities rest on the Central and Provincial Governments but greater responsibilities devolve on the press itself.

Their heritage is, indeed, a noble one and worthy of all endeavour to preserve.

So far as the Government is concerned, it has a duty to maintain the closest contact with the press and, through it, with the public it serves. Various methods have been adopted in the past. There was the "Editor's Room" of Lord Canning's regime, the Press Commissioner during Lord Lytton's time and later the Bureau of Public Information. Formerly the activities of this Bureau met with considerable criticism on the grounds of favouritism in the distribution of news items and preferential treatment towards Anglo-Indian newspapers. The recently formed Indian and Eastern Newspaper Society may well develop into a body representing the entire Indian Press with power to negotiate with the Government on important issues.

With the financial prospects of newspaper production and service we have not been concerned. It is obvious, of course, that increased literacy will lead to a wider reading public and commercial prosperity to extended advertisement revenues. On the other hand, certain items of the Congress programme will have the effect of diminishing revenue; the banning of liquor advertisements, for example, must necessarily result in lower advertisement income.

It is a problem of newspaper production that in times of crisis, such as the present, the greatest demands are made on the press as a social service. Yet it is at these very times that the severest difficulties beset it. All costs increase—news, paper, ink and sometimes wages become more expensive. Above all, there is the persistent danger that, because the times are critical, emergency powers devised to meet the needs of the moment may have the effect of permanently restricting the freedom which has been so dearly won.

Let us then end with the words of Mr. Neville Chamberlain:

> "Freedom may sometimes degenerate into irresponsibility, but our experience shows that in this centrifugal machine of publicity everything false, insincere, and untruthful is sooner or later thrown out and only what is sound, honest and sensible remains . . . If the public are not allowed to know the facts but are only allowed to hear what their rulers choose them to hear—that people is in danger of being led to march on a course which may presently lead it to disaster . . . Free speech and a free Press are great educators as well as great guardians of a people's liberty. Long may we retain them in this country for the benefit of ourselves and to be an example to the rest of the world."

"In a free nation it is very often a matter of indifference whether individuals reason well or ill; it is sufficient that they do reason: from hence springs that liberty which is a security from the effects of these reasonings."

MONTESQUIEU.

APPENDIX I.

NEWSPAPERS (INCITEMENT TO OFFENCES) ACT.

ACT VII OF 1908.

An Act for the prevention of incitements to murder and to other offences in newspapers.

WHEREAS it is expedient to make better provision for the prevention of incitements to murder and to other offences in newspapers; It is hereby enacted as follows:

1. (1) This Act may be called the Newspapers (Incitement to Offences) Act, 1908.

(2) It extends to the whole of British India.

2. (1) In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Magistrate" means a District Magistrate or Chief Presidency Magistrate:

(*b*) "newspaper" means any periodical work containing public news or comments on public news:

(*c*) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils, and other plant or materials used for the purpose of printing.

(2) Save as herein otherwise provided all words and expressions in this Act shall have the same meanings as those respectively assigned to them in the Code of Criminal Procedure, 1898.

3. (1) In cases where, upon application made by order of or under authority from the Local Government, a Magistrate is of opinion that a newspaper printed and published within the Province contains any incitement to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, such Magistrate may make a conditional order declaring the printing press used, or intended to be used, for the purpose of printing or publishing such newspaper, or found in or upon the premises where such newspaper is, or at the time of the printing of the matter complained of was, printed and all copies of such newspaper, wherever found, to be forfeited to His Majesty, and shall in such order state the material facts and call on all persons concerned to appear before him, at a time and place to be fixed by the order, to show cause why the order should not be made absolute.

(2) A copy of such order shall be fixed on some conspicuous part of the premises specified in the declaration made in respect of such newspaper under section 5 of the Press and Registration of Books Act,

1867, or of any other premises in which such newspaper is printed, and the affixing of such copy shall be deemed to be due service of the said order on all persons concerned.

(3) In cases of emergency or in cases where the purposes of the application might be defeated by delay the Magistrate may, on or after the making of a conditional order under sub-section (1), make a further order *ex parte* for the attachment of the printing press or other property referred to in the conditional order.

(4) If any person concerned appears and shows cause against the conditional order, the Magistrate shall take evidence, whether in support of or in opposition to such order, in manner provided in section 356 of the Code of Criminal Procedure, 1898.

(5) If the Magistrate is satisfied that the newspaper contains matter of the nature specified in sub-section (1), he shall make the conditional order of forfeiture absolute in respect of such property as he may find to be within the terms of the said sub-section.

(6) If the Magistrate is not so satisfied, he shall set aside the conditional order of forfeiture and the order of attachment, if any.

4. (1) The Magistrate may by warrant empower any Police-officer not below the rank of a Sub-Inspector to seize and detain any property ordered to be attached under section 3, sub-section (3), or to seize and carry away any property ordered to be forfeited under section 3, sub-section (5), wherever found and to enter upon and search for such property in any premises

(*a*) where the newspaper specified in such warrant is printed or published, or

(*b*) where any such property may be or may be reasonably suspected to be, or

(*c*) where any copy of such newspaper is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under sub-section (1) so far as it relates to a search shall be executed in manner provided for the execution of search-warrants by the Code of Criminal Procedure, 1898.

5. Any person concerned who has appeared and shown cause against a conditional order of forfeiture may appeal to the High Court within fifteen days from the date when such order is made absolute.

6. Save as provided in section 5, no order duly made by a Magistrate under section 3 shall be called in question in any Court.

7. Where an order of forfeiture has been made absolute in relation to any newspaper the Local Government may, by notification in the local official *Gazette*, annul any declaration made by the printer or publisher of such newspaper under the Press and Registration of Books Act, 1867, and may by such notification prohibit any further declaration

being made or subscribed, under the said Act in respect of the said newspaper, or of any newspaper which is the same in substance as the said newspaper, until such prohibition be withdrawn.

8. Any person who prints or publishes any newspaper specified in any prohibition notified under section 7 during the continuance of that prohibition shall be liable, on conviction, to the penalties prescribed by section 15 of the Press and Registration of Books Act, 1867.

9. All proceedings under this Act shall be conducted so far as may be in accordance with the provisions of the Code of Criminal Procedure, 1898.

10. No proceedings taken under this Act shall operate to prevent any person from being prosecuted for any act which constitutes an offence under any other law.

APPENDIX II.

THE INDIAN PRESS ACT.

ACT I OF 1910.

An Act to provide for the better control of the Press.

WHEREAS it is necessary to provide for the better control of the Press; it is hereby enacted as follows:

1. (1) This Act may be called the Indian Press Act, 1910.
(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti.

2. In this Act, unless there is anything repugnant in the subject or context:
(*a*) "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed:
(*b*) "document" includes also any painting, drawing or photograph or other visible representation:
(*c*) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the Provinces of Ajmer-Merwara and Coorg where it means the High Court of Judicature for the North-Western Provinces and the High Court of Judicature at Madras respectively:
(*d*) "Magistrate" means a District Magistrate or Chief Presidency Magistrate:
(*e*) "newspaper" means any periodical work containing public news or comments on public news: and
(*f*) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing.

3. (1) Every person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India:

Provided that the Magistrate may, if he thinks fit, for special reasons to be recorded by him, dispense with the deposit of any security, or may from time to time cancel or vary any order under this sub-section.

(2) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made prior to the commencement of this Act under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise:

(*a*) to incite to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, or

(*b*) to seduce any officer, soldier or sailor in the Army or Navy of His Majesty from his allegiance or his duty, or

(*c*) to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any Native Prince or Chief under the suzerainty of His Majesty, or any class or section of His Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government or any such Prince or Chief, or

(*d*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security, or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*e*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or

(*f*) to convey any threat of injury to a public servant, or to any person in whom that public servant is believed to be interested, with a view to inducing that public servant to do any act or to forbear or delay to do any act connected with the exercise of his public functions,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press and all copies of such newspaper, book or other document wherever found to be forfeited to His Majesty.

Explanation I. In clause (*c*) the expression "disaffection" includes disloyalty and all feelings of enmity.
Explanation II. Comments expressing disapproval of the measures of the Government or of any such Native Prince or Chief as aforesaid with a view to obtain their alteration by lawful means, or of the administrative or other action of the Government or of any such Native Prince or Chief or of the administration of justice in British India without exciting or attempting to excite hatred, contempt or disaffection do not come within the scope of clause (*c*).

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

5. Where the security given in respect of any press has been declared forfeited under section 4, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the Magistrate before whom such declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

6. If after such further security has been deposited the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare:

(*a*) the further security so deposited,
(*b*) the printing-press used for the purpose of printing or publishing such newspaper, book or other document, or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of was, printed, and
(*c*) all copies of such newspaper, book or other document wherever found,

to be forfeited to His Majesty.

7. (1) Where any printing-press is or any copies of any newspaper, book or other document are declared forfeited to His Majesty under this Act, the Local Government may direct any Magistrate to issue a warrant empowering any police-officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises:

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search-warrants under the Code of Criminal Procedure, 1898.

8. (1) Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall, at the time of making the same, deposit with the Magistrate before whom the declaration is made security to such an amount not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India: Provided that if the person registered under the said Act as printer of the newspaper is also registered as the keeper of the press where the newspaper is printed, the publisher shall not be required to deposit security so long as such registration is in force:

Provided further that the Magistrate may, if he thinks fit, for special reasons, to be recorded by him, dispense with the deposit of any security or may from time to time cancel or vary any order under this sub-section.

(2) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which a declaration was made by the publisher thereof prior to the commencement of this Act, under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published security to such an amount, not being less than five hundred or more than five thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

9. (1) If any newspaper in respect of which any security has been deposited as required by section 8 contains any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare such security and all copies of such newspaper, wherever found, to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such

newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

10. Where the security given in respect of any newspaper is declared forfeited, any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

11. If after such further security has been deposited the newspaper again contains any words, signs or visible representations which in the opinion of the Local Government are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare:

(*a*) the further security so deposited, and

(*b*) all copies of such newspaper wherever found,

to be forfeited to His Majesty.

12. (1) Where any newspaper, book or other document wherever printed appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official *Gazette*, stating the grounds of its opinion, declare such newspaper, book or other document to be forfeited to His Majesty and thereupon any police officer may seize the same wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where the newspaper, book or other document may be or may be reasonably suspected to be.

(2) Every warrant issued under this section shall, so far as relates to a search, be executed in manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898.

13. The Chief Customs-officer or other officer authorised by the Local Government in this behalf may detain any package brought, whether by land or sea, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

14. No newspaper printed and published in British India shall be

transmitted by post unless the printer and publisher have made a declaration under section 5, of the Press and Registration of Books Act, 1867, and the publisher has deposited security when so required under this Act.

15. Any officer in charge of a post-office or authorised by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain:

(*a*) Any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or

(*b*) any newspaper in respect of which the declaration required by section 5 of the Press and Registration of Books Act, 1867, has not been made, or the security required by this Act has not been deposited by the publisher thereof,

and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

16. (1) The printer of every newspaper in British India shall deliver at such place and to such officer as the Local Government may, by notification in the local official *Gazette*, direct, and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

(2) If any printer of any such newspaper neglects to deliver copies of the same in compliance with sub-section (1), he shall, on the complaint of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, be punishable on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed with fine which may extend to fifty rupees for every default.

17. Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, 6, 9, 11 or 12 may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

18. Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

19. (1) If it appears to the Special Bench that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not

of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order of forfeiture.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(3) Where there is no such majority which concurs in setting aside the order in question, such order shall stand.

20. On the hearing of any such application with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper which are alleged to be of the nature described in section 4, sub-section (1).

21. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

22. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on such application as aforesaid, and no civil or criminal proceeding except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

23. (1) Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5, when required so to do, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, when required so to do, or publishes such newspaper knowing that such security has not been deposited, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

24. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate

within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

25. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898.

26. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act.

APPENDIX III.

THE INDIAN PRESS (EMERGENCY POWERS) ACT OF 1931.

ACT NO. XXIII OF 1931.

An Act to provide against the publication of matter inciting to or encouraging murder or violence.

WHEREAS it is expedient to provide against the publication of matter inciting to or encouraging murder or violence; It is hereby enacted as follows:

Short title, extent and duration.

1. (1) This Act may be called the Indian Press (Emergency Powers) Act, 1931.

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Sonthal Parganas.

(3) It shall remain in force for one year only, but the Governor General in Council may, by notification in the *Gazette* of India, direct that it shall remain in force for a further period not exceeding one year.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "High Court" means the highest Civil Court of Appeal for any local area except in the case of the province of Coorg where it means the High Court of Judicature at Madras;

(4) "Magistrate" means a District Magistrate or Chief Presidency Magistrate;

(5) "newspaper" means any periodical work containing public news or comments on public news;

(6) " news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

(7) "press" includes a printing-press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(8) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(9) "unauthorised newspaper" means—

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, and XXV of 1867.

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

(10) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(11) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867. XXV of 1867.

Control of printing-presses and newspapers.

Deposit of security by keepers of printing-presses.

3. (1) Any person keeping a printing-press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose: XXV of 1867.

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing-press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing-press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Local Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Local Government may think fit to require, in money or the equivalent

thereof in securities of the Government of India as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

4. (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which:

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to His Majesty, or

(ii) where security has not been deposited, declare the press to be forfeited to His Majesty,

and may also declare all copies of such newspaper, book or other document wherever found in British India to be forfeited to His Majesty.

Explanation. No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled.

XXV of 1867.

Deposit of further security.

5. (1) Where the security given in respect of any press, or any portion thereof, has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

XXV of 1867.

(2) Where a portion only of the security given in respect of such

press has been declared forfeited under section 4 or section 6, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

6. (1) If, after security has been deposited under section 5, the printing-press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare: Power to declare further security and publications forfeited.

(*a*) the further security so deposited, or any portion thereof, and
(*b*) all copies of such newspaper, book or other document wherever found in British India

to be forfeited to His Majesty.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled. XXV of 1867.

7. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose: Deposit of security by publisher of newspaper. XXV of 1867.

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Local Government under section 8 in respect of such newspaper, the security shall, on application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Local Government that a newspaper published within its territories, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible repre-

sentations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1), the Local Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations,

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to His Majesty, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, (XXV of 1867.)

and may also declare all copies of such newspaper, wherever found in British India, to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, (XXV of 1867.) shall be deemed to be annulled.

Deposit of further security.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10 any person making a fresh declaration under section 5 of the Press and Registration of Books Act, 1867, (XXV of 1867.) as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Local Government, are of the nature described in section 4, sub-section (1) the Local Government may,

by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare:

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspapers wherever found in British India to be forfeited to His Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Local Government. XXV of 1867.

Penalty for keeping press or publishing newspaper without making deposit.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5, as required by the Local Government or the Magistrate as the case may be, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867. XXV of 1867.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Local Government or the Magistrate as the case may be, or publishes such newspaper knowing that such security has not been deposited, shall on conviction by a Magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867. XXV of 1867.

Consequences of failure to deposit security as required.

12. (1) Where a deposit is required from the keeper of a printing-press under section 3, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing-press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing-press is used in contravention of sub-section (1), the Local Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to His Majesty.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, shall be deemed to be annulled. XXV of 1867.

Return of deposited security in certain cases.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satis- XXV of 1867

faction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

14. Where any printing-press is, or any copies of any newspaper, book or other document are, declared forfeited to His Majesty under section 4, section 6, section 8, section 10 or section 12, the Local Government may direct a Magistrate to issue a warrant empowering any police-officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises:

(i) where any such property may be or may be reasonably suspected to be, or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheets and newspapers.

16. (1) Any police-officer, or any other person empowered in this behalf by the Local Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police-officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or Magistrate of the first class, and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court

shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898. V of 1898.

Power to seize and forfeit undeclared presses producing unauthorised news-sheets and news-papers.

17. (1) Where a Presidency Magistrate, District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police-officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police-officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police-officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to His Majesty. If, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898. V of 1898.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

Penalty for disseminating unauthorised news-sheets and news-papers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under sub-section (1), and any abetment of any such offence, shall be cognizable. V of 1898.

Special provisions relating to the seizure of certain documents.

Power to declare certain publications forfeited and to issue search warrants for same.

19. Where any newspaper, book or other document wherever made appears to the Local Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Local Government may, by notification in the local official *Gazette*, stating the grounds of its opinion, declare every copy of the issue of the newspaper, and every copy of such book or other document to be forfeited to His Majesty, and thereupon any police-officer may seize the same wherever found in British India, and any Magistrate

may by warrant authorise any police-officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

Power to detain packages containing certain publications when imported into British India.

20. The Chief Customs-officer or other officer authorised by the Local Government in this behalf may detain any package brought, whether by land, sea or air, into British India which he suspects to contain any newspapers, books or other documents of the nature described in section 4, sub-section (1), and shall forthwith forward copies of any newspapers, books or other documents found therein to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Prohibition of transmission by post of certain documents.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Power to detain articles being transmitted by post.

22. Any officer in charge of a post-office or authorised by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain:

(*a*) any newspaper, book or other document containing words, signs or visible representations of the nature described in section 4, sub-section (1), or

(*b*) any unauthorised news-sheet or unauthorised newspaper, and shall deliver all such articles to such officer as the Local Government may appoint in this behalf to be disposed of in such manner as the Local Government may direct.

Powers of High Court.

Application to High Court to set aside order of forfeiture.

23. (1) The keeper of a printing-press who has been ordered to deposit security under sub-section (3) of section 3, or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).

(2) The keeper of a printing-press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to such High Court to set aside the order on the ground that the press was not so used.

Hearing by Special Bench.

24. Every such application shall be heard and determined by a Special

Bench of the High Court composed of three Judges, or, where the High Court consists of less than three Judges, of all the Judges.

25. (1) If it appears to the Special Bench on an application under sub-section (1) of section 23 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Special Bench shall set aside the order. Order of Special Bench setting aside forfeiture.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 23 that the printing-press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority (if any) of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

26. On the hearing of an application under sub-section (1) of section 23 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made. Evidence to prove nature or tendency of newspapers.

27. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications. Procedure in High Court.

Supplemental.

28. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1898: Service of notices. V of 1898.

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served. XXV of 1867.

Conduct of searches.

29. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898.

V of 1898.

Jurisdiction barred.

30. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 23, and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Operation of other laws not barred.

31. Nothing herein contained shall be deemed to prevent any person for being prosecuted under any other law for any act or omission which constitutes an offence against this Act.

Declarations under Act XXV of 1867 to be made before certain Magistrates.

32. So long as this Act remains in force, all declarations required to be made under section 4, section 5, section 8 and section 8A of the Press and Registration of Books Act, 1867, shall be made, in a Presidency-town before the Chief Presidency Magistrate, and elsewhere before the District Magistrate.

XXV of 1867.

APPENDIX IV.

THE FOREIGN RELATIONS ACT OF 1932.

ACT NO. XII OF 1932.

An Act to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States.

WHEREAS it is expedient to provide against the publication of statements likely to prejudice the maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States; It is hereby enacted as follows:

1. (1) This Act may be called the Foreign Relations Act, 1932. Short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against the consort or son or principal Minister of such Ruler, the Governor General in Council may make, or authorise any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint. XLV of 1860. Power of Governor General in Council to prosecute in certain cases of defamation. V of 1898.

Explanation.—For the purposes of this Act Aden is not included in India.

3. The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections: Power to forfeit certain publications or to detain them in the course of transmission through post. V of 1898. VI of 1898.

Provided that for the purposes of this section the said provisions shall be construed as if for the words "Local Government" wherever they occur, the words "Governor General in Council" were substituted.

4. Where, in any trial of an offence upon a complaint under section 2,

Proof of status of persons defamed.

or in any proceeding before a High Court arising out of section 3, there is a question whether any person is a Ruler of any State, or is the consort or son or principal Minister of such Ruler, a certificate under the hand of a Secretary to the Government of India that such person is such Ruler, consort, son or principal Minister shall be conclusive proof of that fact.

APPENDIX V.

THE INDIAN STATES (PROTECTION) ACT OF 1934.

ACT No. XI OF 1934.

An Act to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such Administrations.

WHEREAS it is expedient to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such Administrations; It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Indian States (Protection) Act, 1934.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section and sections 2 and 3 shall come into force at once; the remaining sections of this Act shall come into force in any district or area only when and for such time as the Local Government, by notification in the local official *Gazette*, directs.

Conspiracy to overawe Administration of a State in India.

2. Whoever, within or without British India, conspires to overawe, by means of criminal force or the show of criminal force, the Administration of any State in India, shall be punished with imprisonment which may extend to seven years, to which fine may be added.

Application of Act XXIII of 1931.

3. The Indian Press (Emergency Powers) Act, 1931, as amended by the Criminal Law Amendment Act, 1932, shall be interpreted:

XXIII of 1931. XXIII of 1932.

(*a*) as if in sub-section (1) of section 4 of the Act, after clause (i) the following word and clause were inserted, namely:

"or

(*j*) to bring into hatred or contempt or to excite disaffection towards the Administration established in any State in India";

(*b*) as if in Explanation 2 and Explanation 3 to the said sub-section, after the word "Government" the words "or Administration", and after the letter and brackets "(*d*)" the words, letter and brackets "or clause (*j*)" were inserted; and

(*c*) as if after Explanation 4 to the said sub-section the following Explanation were inserted, namely:

"*Explanation* 5.—Statements of fact made without malicious intention and without attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*j*) of this sub-section."

and any power which might, by reason of such insertions but not otherwise, be exercised by the Local Government under that Act if so altered, may also be exercised by the Governor General in Council; and for the purpose of the exercise by the Governor General in Council of such powers, the Act shall be interpreted as if references to the Local Government were references to the Governor General in Council and as if to sub-section (1) of section 23 the following proviso were added, namely:

> "Provided that an application under this section against an order made by the Governor General in Council under any of the sections therein specified except section 19 shall lie to the High Court for the local area in which any security required under this Act from the printing press or newspaper concerned was deposited or to be deposited."

Power to prohibit assemblies.

4. (1) When a District Magistrate or in a Presidency-town the Chief Presidency Magistrate is of opinion that within his jurisdiction attempts are being made to promote assemblies of persons for the purpose of proceeding from British India into the territory of a State in India and that the entry of such persons into the said territory or their presence therein is likely or will tend to cause obstruction to the Administration of the said State or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said territory, he may, by order in writing stating the material facts of the case, prohibit within the area specified in the order the assembly of five or more persons in furtherance of the said purpose.

(2) When an order under sub-section (1) has been made, and for so long as it remains in force, any assembly of five or more persons held in contravention of the order shall be an unlawful assembly within the meaning of section 141 of the Indian Penal Code, and the provisions of Chapter VIII of the Indian Penal Code and of Chapter IX of the Code of Criminal Procedure, 1898, shall apply accordingly. (XLV of 1860. V of 1898.)

(3) An order under sub-section (1) shall be notified by proclamation published in the specified area in such places and in such manner as the Magistrate may think fit, and a copy of such order shall be forwarded to the Local Government.

(4) No order under sub-section (1) shall remain in force for more than two months from the making thereof, unless the Local Government, by notification in the local official *Gazette*, otherwise directs.

Power to issue directions prohibiting certain acts.

5. (1) Where, in the opinion of a District Magistrate or in a Presidency-town the Chief Presidency Magistrate, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by written order stating the material facts of the case and served in the manner provided by section 134 of the Code of Criminal Procedure, 1898, direct any person to abstain from a certain act if such Magistrate considers that such (V of 1898.)

direction is likely to prevent or tends to prevent obstruction to the Administration of a State in India or danger to human life or safety or a disturbance of the public tranquillity or a riot or an affray within the said State.

(2) An order under sub-section (1) may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed *ex-parte*.

(3) An order under sub-section (1) may be directed to a particular individual, or to the public generally.

(4) A District Magistrate or Presidency Magistrate may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1) by himself or by his predecessor in office.

(5) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order; and if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing.

(6) No order under sub-section (1) shall remain in force for more than two months from the making thereof unless the Local Government, by notification in the local official *Gazette*, otherwise directs.

Penalty for disobeying order under section 5.

6. (1) Whoever wilfully disobeys or neglects to comply with any direction contained in an order made under sub-section (1) of section 5, or in such order as altered under sub-section (4) of that section, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) An offence under this section shall be an offence for which a police-officer may arrest without warrant.

Cognizance of offences under section 2 by Courts.

7. No Court shall take cognizance of any offence punishable under section 2 unless upon complaint made by order of, or under authority from the Governor General in Council or the Local Government.

APPENDIX VI.

LISTS OF OLD NEWSPAPERS TO BE FOUND IN CALCUTTA, BOMBAY AND LONDON

IMPERIAL LIBRARY, CALCUTTA.

Calcutta Gazette	1784–1899
Calcutta Chronicle	1792–1794
Friend of India	1818–1876
Government Gazette	1819–1832
India Gazette	1822–1823
John Bull	1823–1832
Bengal Harkuru and India Gazette	1824–1866
Bengal Chronicle	1827–1830
Bengal Herald	1829–1843
Calcutta Courier	1832–1842
Reformer	1833
Englishman	1833, etc.
Calcutta Star	1843–1850
Eastern Star	1845–1855
Hindu Intelligencer	1848–1849
Morning Chronicle	1850–1856
Citizen	1851–1857
Commercial and Trading Daily Advertiser	1858

ROYAL ASIATIC SOCIETY, BOMBAY.

Bombay Courier	1811, 1812, 1815–26, 1831, 1833–37 and 1839 and 1842.
Bombay Gazette	1814, 1816, 1818–20, 1822 to 1830, 1832, 1835, 1840, 1841, and 1862 to 1914 (*except* 1865, 1866, and 1874).
Bombay Times	1841, 1845, 1859—(Incomplete).
Bombay Guardian	1851–1863, 1866, 1867–1883, 1884, 1886–1889 (1889 Incomplete).
Times of India	1860 to date.
Native Opinion	1867–1889.
Indu Prakash (Marathi)	1883–1895.

INDIA OFFICE LIBRARY, LONDON.

Aligarh Institute Gazette	Aligarh	1875–8
The Argus	Bombay	1873 etc.
The Athenaeum and Daily News	Madras	1844 etc.
The Bangalore Examiner	Bangalore	1877 etc.
The Bangalore Spectator	Bangalore	1877 etc.

Bengal Catholic Expositor	Calcutta	1839–41
Bengal Herald	Calcutta	1843 etc.
Bengal Times	Dacca	1876 etc.
The Bengalee	Calcutta	1876 etc.
Bombay Courier	Bombay	1793–1846
Bombay Telegraph and Courier	Bombay	1847–48
Bombay Gazette	Bombay	1813 etc.
Bombay Standard	Bombay	1858–59
Bombay Times and Standard	Bombay	1858–59
Calcutta Courier	Calcutta	1832–42
Civil and Military Gazette	Umbala / Simla / Lahore	1876 etc.
Daily Telegraph and Deccan Herald	Poona	1876 etc.
Delhi Gazette	Delhi	1837 etc.
The Englishman	Calcutta	1834 etc.
Friend of India	Calcutta	1835 etc.
Government Gazettes	Various	—
Hindoo Patriot	Calcutta	1876 etc.
India Gazette	Calcutta	1821–43
Indian Agriculture	Calcutta	1879 etc.
Indian Daily News	Calcutta	1867 etc.
Indian Economist	Calcutta	1869–75
Indian Herald	Calcutta	1879 etc.
Indian Mirror	Calcutta	1879 etc.
Indian Public Opinion	Lahore	1870 etc.
Statesman	Calcutta	1872 etc.
Lahore Chronicle	Lahore	1850–68
Madras Courier	Madras	1795–1818
Madras Mail	Madras	1871 etc.
Madras Male Asylum Herald	Madras	1833–42
Madras Spectator	Madras	1844–58
Madras Standard	Madras	1877 etc.
Madras Times	Madras	1858 etc.
Mofussilite	Meerut	1847–75
Moorshedabad News	Berhampore	1838
Pioneer	Allahabad	1870 etc.
Poona Observer	Poona	1876 etc.
Prince of Wales Island Gazette	George Town	1806–29
South of India Observer	Ootacamund	1877
Statesman and Friend of India	Calcutta	1877 etc.
Statistical Reporter	Calcutta	1870–77
Times of India	Bombay	1860 etc.
Weekly Examiner	Calcutta	1840–1
Weekly Intelligencer	Calcutta	1841 etc.

BRITISH MUSEUM NEWSPAPER LIBRARY, COLINDALE.

The Agra Ukhbar . .	June 30–Dec. 15, 1838 Feb. 21–Oct. 12, 1839
The Bombay Courier . .	1803, 1806, 1819–1830 March 4, 1845–March 13, 1846 (Imperfect)
The Bombay Gazette . .	April 6, 1814–Dec. 29, 1830 (Imperfect).
The Bombay Monthly Times .	Nov. 1842–Dec., 1857
The Calcutta Chronicle .	Jan 4, 1787–Dec. 30, 1790
The Calcutta Gazette . .	March 4, 1784–Jan. 4, 1787
The Calcutta Journal . .	Oct. 2, 1818–April 26, 1823
Hicky's Bengal Gazette . .	April 1, 1780–March 23, 1782.
The Hircarrah (Madras) .	Jan. 7–Oct. 14, 1794
The Madras Courier . .	May 12, 1790–April 19, 1792
The Madras Gazette . .	1795, 1799, 1809 (Very Imperfect)
The Madras Native Herald .	1845, 1861
The Friend of India . .	(Quarterly Series) Sept. 1820–1826
The Friend of India . .	(Weekly) March 1, 1838–Nov. 3, 1859

APPENDIX VII.

LEADING NEWSPAPERS IN BRITISH INDIA IN 1937.

Title.	*Period of Publication.*	*Language.*
	AJMER-MERWARA	
Nava Jyoti	Weekly	Hindi
Rajasthan	,,	,,
Durbar	,,	English, Hindi, Urdu
	ASSAM.	
Sylhet Chronicle	Weekly	English
Times of Assam	,,	,,
Assamiya	,,	Assamese
Batori	Daily	,,
Deka Asom	Weekly	,,
Janasakti	,,	Bengalee
Jugabheri	,,	,,
Jugasakti	,,	,,
Pratiba	,,	Anglo/Assamese
	BANGALORE	
Daily Post	Daily	English
Quam	Weekly	Urdu
	BENGAL	
Advance	Daily	English
Amrita Bazar Patrika	Daily/Weekly	,,
Capital	Weekly	,,
Commercial Gazette	,,	,,
Hindustan Standard	Daily	,,
Indian Economist	Weekly	,,
Indian Finance	,,	,,
Orient	,,	,,
Star of India	Daily	,,
Statesman	Daily/Weekly	,,
Ananda Bazar Patrika	Daily	Bengalee
Asr-e-Jadid	,,	Urdu
Azad	,,	Bengalee
Bande Mataram	,,	,,

Title.	*Period of Publication.*	*Language.*
Bangabasi	Weekly	Bengalee
Basumati	Daily/Weekly	"
Des	Weekly	"
Hanafi	"	"
Hitavadi	"	"
Kesari	Daily	"
Lockamanya	"	Hindi
Mohammadi	Weekly	Bengalee
Navasakti	"	"
Panchajanya	Daily	"
Rozana Hind	"	Urdu
Sanjivani	Weekly	Bengalee
Swades	"	"
Viswamitra	Daily/Weekly	Hindi
Weekly Hind	Weekly	Urdu
Panchayet	"	English/Bengalee

BIHAR

Indian Nation	Daily	English
Searchlight	"	"
Ittihad	Bi-weekly	Urdu
Janta	Weekly	Hindi
Jivan	"	Urdu
Muslim	Bi-weekly	"
Nava Shakti	Daily	Hindi
Sangathor	Fortnightly	Bengalee
Yogi	Weekly	Hindi

BOMBAY

Bombay Chronicle	Daily/Weekly	English
Bombay Sentinel	Daily	"
Commerce	Weekly	"
Congress Socialist	"	"
Evening News of India	Daily	"
Financial News	Weekly	"
Free Press Journal	Daily	"
Harijan	Weekly	"
Illustrated Weekly of India	"	"
Independent India	"	"
Indian Social Reformer	"	"
Servant of India	"	"
Star	Daily	"
Bombay Standard	Weekly	"
Times of India	Daily	"

Title.	*Period of Publication.*	*Language.*
Weekly News of India	Weekly	English
Ajmal	Daily	Urdu
Aram	Weekly	Gujerati
Avhan	”	Marathi
Bombay Samachar	Daily/Weekly	Gujerati
Deshi Mitra	”	”
Dhanundhari	Weekly	Marathi
Dnyan Prakash	Daily/Weekly	”
Gujerat Samachar	Daily	Gujerati
Gujerat	”	”
Gujerati	Weekly	”
Harijan Bandhu	”	”
Hindustan and Prajamitra	Daily	”
Insaf	”	”
Janata	Weekly	Marathi
Janmabhumi	Daily	Gujerati
Kesari	Bi-Weekly	Marathi
Khilafat	Weekly	Urdu
Kom Sevak	”	Gujerati
Kranti	”	Marathi
Lokamat	Daily	Gujerati
Lokamat	”	Kanarese
Lokamanya	”	Marathi
Lokashakti	Daily/Weekly	”
Majur Sandesh	Weekly	Gujerati
Mumbai Kamgar	”	Marathi
Muslim Gujerati	”	Gujerati
Navsaurashtra	”	”
Nava Kal	Daily	Marathi
New Prakash	Weekly	Gujerati
Phul Chhab	”	”
Prajamat	”	Kanarese
Praja Mitra Kesari	”	Gujerati
Praja Bandhu	”	”
Prakash	”	Marathi
Pratap	Daily/Weekly	Gujerati
Rozana-e-Khilafat	Daily	Urdu
Sadaqat	Weekly	”
Samyukta Karnatak	Daily/Weekly	Kanarese
Sandesh	Daily	Gujerati
Trikal	”	Marathi
Tarun Bharat	Weekly	”
Vividh Vrita	”	”
Shri Venkatesawar Samachar	”	”

Title.	Period of Publication.	Language.
Gujerat Mitra and Gujerat Durpan	Daily	Anglo/Gujerati
Gujerati Punch	”	”
Ismaili	”	”
Jam-e-Jamshed	”	”
Kaiser-i-Hind	Weekly	”
Sanj Vartman	Daily	”

CENTRAL PROVINCES AND BERAR

Daily News	Daily	English
Hitavada	Tri-Weekly	”
Independent	Weekly	”
Al-Burhan	”	Urdu
Al-Faruque	”	”
Karamvier	”	Hindi
Maharashtra	Bi-weekly	Marathi
Sawadhan	Weekly	”
Swarajya	”	Hindi
Udaya	Bi-weekly	Marathi

COORG

The Kodagu	Weekly	Kanarese

DELHI

Commerce and Industry	Weekly	English
Hindustan Times	Daily	”
National Call	”	”
Roy's Weekly	Weekly	”
Statesman	Daily	”
United India and Indian States	Weekly	”
Al-Aman	Bi-weekly	Urdu
Al-Jamiat	”	”
Din-O-Duniya	Weekly	”
Harijan Sewak	”	Hindi
Hindu	”	”
Hindustan	Daily	”
Millat	”	Urdu
Munadi	Weekly	”
Riyasat	”	”
Swarajya	Daily	”
Tej	Daily/Weekly	”
Vir Arjun	Daily/Weekly	Hindi
Wahadat	Daily	Urdu
Watan	”	”

Title.	*Period of Publication.*	*Language.*
	MADRAS	
Hindu	Daily	English
Indian Express	”	”
Justice	Weekly	”
Madras Mail	Daily	”
Ananta Vikatan	Weekly	Tamil
Andhra Patrika	Daily/Weekly	Telegu
Andhra Ratna	Bi-weekly	”
Dar-ul-Islam	”	Tamil
Dhinamani	Daily	”
Hanuman	Weekly	”
Jadid Dilchasp	”	Urdu
Janavani	Daily	Telegu
Jaya Bharati	”	Tamil
Kanteerava	Bi-weekly	Kanarese
Kistna Patrika	Weekly	Telegu
Kudi Arasu	”	Tamil
Kumaran	”	”
Mathrubhumi	Daily/Weekly	Malayalam
Musalman	Daily	Urdu
Prabhat	Weekly	Kanarese
Prajabhandu	”	Telegu
Prajamitra	”	”
Swadesamitran	Daily	Tamil
Swatantra Bharat	Weekly	Kanarese
Tamil Mani	Weekly	Tamil
Trilinga	”	Telegu
Vahini	”	”
Viduthalai	Daily	Tamil
Zamin Ryot	Weekly	Telegu
	NORTH-WEST FRONTIER	
Khyber Mail	Weekly	English
Frontier Advocate	Daily	Urdu
Islah-i-Sarhad	Weekly	”
Mujahid	”	”
Tarjuman-i-Sarhad	”	”
Vijai Prabhat	Daily	”
Frontier Advocate	Weekly	Urdu/Pushto
Sarhad	Daily	”
	ORISSA	
New Orissa	Daily	English

Title.	*Period of Publication.*	*Language.*
Observer	Weekly	English
Asha	Daily/Weekly	Oriya
Deshakatha	Daily	,,
Lokamata	Weekly	,,
Sakti	,,	,,
Samaj	Daily/Weekly	,,

PUNJAB

Civil and Military Gazette	Daily	English
Daily Herald	,,	,,
Eastern Times	Weekly	,,
Monday Morning	,,	,,
New Times	,,	,,
Sunday Times	,,	,,
Tribune	Daily	,,
Akali Patrika	,,	Gurmukhi
Ehsan	,,	Urdu
Fateh	Weekly	Gurmukhi
Hindi Milap	Daily	Hindi
Hindu	,,	Urdu
Inquilab	,,	,,
Karam Vir	Weekly	,,
Khalsa Sewak	Daily	Gurmukhi
Mauji	Weekly	,,
Milap	Daily	Urdu
Pratap	,,	,,
Vir Bharat	,,	,,
Zamindar	,,	,,

SIND

Daily Gazette	Daily	English
Karachi Daily	,,	,,
Sind Observer	,,	,,
Al-Wahid	,,	Sindhi
Hindu	,,	,,
Hindu Samaj	Weekly	,,
Kurbani	Daily	,,
Nizam	,,	Urdu
Shikarpur Gazette	Weekly	Sindhi
Sind Sudhar	,,	,,
Dharam Vir	,,	Anglo/Sindhi
Parsi Sansar and Loke Sevak	Bi-weekly	Anglo/Gujerati
Satar-i-Hind	Weekly	Anglo/Sindhi
Sind Zamindar	Bi-weekly	,,

Title.	*Period of Publication.*	*Language.*
	UNITED PROVINCES	
Leader	Daily	English
National Herald	”	”
Pioneer	”	”
Star	”	”
Abhyudaya	Weekly	Hindi
Aj	Daily/Weekly	”
Bharat	Daily	”
Hamdam	Daily	Urdu
Haq	”	”
Haqiquat	”	”
Hindustan	Weekly	”
Medina	Bi-weekly	”
Pratap	Daily/Weekly	Hindi
Sainik	Daily	”
Vartman	”	”

APPENDIX VIII.

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